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House of Representatives

The House met at 8 a.m. and was called to order by the Speaker pro tempore [Mr. BUNN of Oregon].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BUNN of Oregon) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 4, 1995.

I hereby designate the Honorable JIM BUNN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Your word, O God, proclaims the message of faith and hope and love and we long to experience that joy and peace. Yet often we wonder where that word of grace is amid the cluttered affairs of the world and the untidy arrangements of each day. Our prayer, gracious God, is that we will hear Your still small voice in spite of the clamor and noise of life and that we will experience the power of Your spirit in the depths of our own hearts. With gratefulness, O God, we believe that Your presence is greater than the din of the world and we are thankful that underneath are Your everlasting arms. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. BUNN of Oregon). 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. Will the gentleman from Texas [Mr. BRYANT] come forward and lead the House in the Pledge of Allegiance.

Mr. BRYANT of Texas 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.

COMMUNICATIONS ACT OF 1995

The SPEAKER pro tempore (Mr. BUNN). 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 further consideration of the bill, H.R. 1555.

☐ 0802

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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 (Mr. KOLBE). When the Committee of the Whole House rose on Wednesday, August 2, 1995, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

NOTICE

Issues of the Congressional Record during the August District Work Period will be published each day the Senate is in session in order to permit Members to revise and extend their remarks.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Communications Act of 1995''.

(b) REFERENCES.—References in this Act to ''the Act'' are references to the Communications Act of 1934.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—DEVELOPMENT OF COMPETITIVE TELECOMMUNICATIONS MARKETS

Sec. 101. Establishment of part II of title II.

''PART II—DEVELOPMENT OF COMPETITIVE MARKETS

''Sec. 241. Interconnection.
''Sec. 242. Equal access and interconnection to the local loop for competing providers.
''Sec. 243. Preemption.
''Sec. 244. Statements of terms and conditions for access and interconnection.
''Sec. 245. Bell operating company entry into interLATA services.
''Sec. 246. Competitive safeguards.
''Sec. 247. Universal service.
''Sec. 248. Pricing flexibility and abolition of rate-of-return regulation.
''Sec. 249. Network functionality and accessibility.
''Sec. 250. Market entry barriers.
''Sec. 251. Illegal changes in subscriber carrier selections.
''Sec. 252. Study.
''Sec. 253. Territorial exemption.''.

Sec. 102. Competition in manufacturing, information services, alarm services, and pay phone services.

''PART III—SPECIAL AND TEMPORARY PROVISIONS

''Sec. 271. Manufacturing by Bell operating companies.
''Sec. 272. Electronic publishing by Bell operating companies.
''Sec. 273. Alarm monitoring and telemessaging services by Bell operating companies.
''Sec. 274. Provision of payphone service.''.

Sec. 103. Forbearance from regulation.
''Sec. 230. Forbearance from regulation.''.

Sec. 104. Privacy of customer information.
''Sec. 222. Privacy of customer proprietary network information.''.

Sec. 105. Pole attachments.
Sec. 106. Preemption of franchising authority regulation of telecommunications services.
Sec. 107. Facilities siting; radio frequency emission standards.
Sec. 108. Mobile service access to long distance carriers.
Sec. 109. Freedom from toll fraud.
Sec. 110. Report on means of restricting access to unwanted material in interactive telecommunications systems.
Sec. 111. Authorization of appropriations.

TITLE II—CABLE COMMUNICATIONS COMPETITIVENESS

Sec. 201. Cable service provided by telephone companies.

''PART V—VIDEO PROGRAMMING SERVICES PROVIDED BY TELEPHONE COMPANIES

''Sec. 651. Definitions.
''Sec. 652. Separate video programming affiliate.
''Sec. 653. Establishment of video platform.
''Sec. 654. Authority to prohibit cross-subsidization.
''Sec. 655. Prohibition on buy outs.
''Sec. 656. Applicability of parts I through IV.
''Sec. 657. Rural area exemption.''.

Sec. 202. Competition from cable systems.
Sec. 203. Competitive availability of navigation devices.
''Sec. 713. Competitive availability of navigation devices.''.
Sec. 204. Video programming accessibility.
Sec. 205. Technical amendments.

TITLE III—BROADCAST COMMUNICATIONS COMPETITIVENESS

Sec. 301. Broadcaster spectrum flexibility.
''Sec. 336. Broadcast spectrum flexibility.''.
Sec. 302. Broadcast ownership.
''Sec. 337. Broadcast ownership.''.
Sec. 303. Foreign investment and ownership.
Sec. 304. Term of licenses.
Sec. 305. Broadcast license renewal procedures.
Sec. 306. Exclusive Federal jurisdiction over direct broadcast satellite service.
Sec. 307. Automated ship distress and safety systems.
Sec. 308. Restrictions on over-the-air reception devices.
Sec. 309. DBS signal security.

TITLE IV—EFFECT ON OTHER LAWS

Sec. 401. Relationship to other laws.
Sec. 402. Preemption of local taxation with respect to DBS services.

TITLE V—DEFINITIONS

Sec. 501. Definitions.

TITLE VI—SMALL BUSINESS COMPLAINT PROCEDURE

Sec. 601. Complaint procedure.

TITLE I—DEVELOPMENT OF COMPETITIVE TELECOMMUNICATIONS MARKETS

SEC. 101. ESTABLISHMENT OF PART II OF TITLE II.

(a) AMENDMENT.—Title II of the Act is amended by inserting after section 229 (47 U.S.C. 229) the following new part:

''PART II—DEVELOPMENT OF COMPETITIVE MARKETS

''SEC. 241. INTERCONNECTION.

''The duty of a common carrier under section 201(a) includes the duty to interconnect with the facilities and equipment of other providers of telecommunications services and information services.

''SEC. 242. EQUAL ACCESS AND INTERCONNECTION TO THE LOCAL LOOP FOR COMPETING PROVIDERS.

''(a) OPENNESS AND ACCESSIBILITY OBLIGATIONS.—The duty under section 201(a) of a local exchange carrier includes the following duties:

''(1) INTERCONNECTION.—The duty to provide, in accordance with subsection (b), equal access to and interconnection with the facilities of the carrier's networks to any other carrier or person offering (or seeking to offer) telecommunications services or information services reasonably requesting such equal access and interconnection, so that such networks are fully interoperable with such telecommunications services and information services. For purposes of this paragraph, a request is not reasonable unless it contains a proposed plan, including a reasonable schedule, for the implementation of the requested access or interconnection.

''(2) UNBUNDLING OF NETWORK ELEMENTS.—The duty to offer unbundled services, elements, features, functions, and capabilities whenever technically feasible, at just, reasonable, and nondiscriminatory prices and in accordance with subsection (b)(4).

''(3) RESALE.—The duty to offer services, elements, features, functions, and capabilities for resale at economically feasible rates to the reseller, recognizing pricing structures for telephone exchange service in the State, and the duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale, on a bundled or unbundled basis, of services, elements, features, functions, and capabilities in conjunction with the furnishing of a telecommunications service or an information service.

''(4) NUMBER PORTABILITY.—The duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission.

''(5) DIALING PARITY.—The duty to provide, in accordance with subsection (c), dialing parity to competing providers of telephone exchange service and telephone toll service.

''(6) ACCESS TO RIGHTS-OF-WAY.—The duty to afford access to the poles, ducts, conduits, and rights-of-way of such carrier to competing providers of telecommunications services in accordance with section 224(d).

''(7) NETWORK FUNCTIONALITY AND ACCESSIBILITY.—The duty not to install network features, functions, or capabilities that do not comply with any standards established pursuant to section 249.

''(8) GOOD FAITH NEGOTIATION.—The duty to negotiate in good faith, under the supervision of State commissions, the particular terms and conditions of agreements to fulfill the duties described in paragraphs (1) through (7). The other carrier or person requesting interconnection shall also be obligated to negotiate in good faith the particular terms and conditions of agreements to fulfill the duties described in paragraphs (1) through (7).

''(b) INTERCONNECTION, COMPENSATION, AND EQUAL ACCESS.—

''(1) INTERCONNECTION.—A local exchange carrier shall provide access to and interconnection with the facilities of the carrier's network at any technically feasible point within the carrier's network on just and reasonable terms and conditions, to any other carrier or person offering (or seeking to offer) telecommunications services or information services requesting such access.

''(2) INTERCARRIER COMPENSATION BETWEEN FACILITIES-BASED CARRIERS.—

''(A) IN GENERAL.—For the purposes of paragraph (1), the terms and conditions for interconnection of the network facilities of a competing provider of telephone exchange service shall not be considered to be just and reasonable unless—

''(i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated with the termination on such carrier's network facilities of calls that originate on the network facilities of the other carrier;

''(ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls; and

''(iii) the recovery of costs permitted by such terms and conditions are reasonable in relation to the prices for termination of calls that would prevail in a competitive market.

''(B) RULES OF CONSTRUCTION.—This paragraph shall not be construed—

''(i) to preclude arrangements that afford such mutual recovery of costs through the offsetting of reciprocal obligations, including arrangements that waive mutual recovery (such as bill-and-keep arrangements); or

''(ii) to authorize the Commission or any State commission to engage in any rate regulation proceeding to establish with particularity the additional costs of terminating calls, or to require carriers to maintain records with respect to the additional costs of terminating calls.

''(3) EQUAL ACCESS.—A local exchange carrier shall afford, to any other carrier or person offering (or seeking to offer) a telecommunications service or an information service, reasonable and nondiscriminatory access on an unbundled basis—

''(A) to databases, signaling systems, billing and collection services, poles, ducts, conduits, and rights-of-way owned or controlled by a

local exchange carrier, or other facilities, functions, or information (including subscriber numbers) integral to the efficient transmission, routing, or other provision of telephone exchange services or exchange access;

''(B) that is equal in type and quality to the access which the carrier affords to itself or to any other person, and is available at nondiscriminatory prices; and

''(C) that is sufficient to ensure the full interoperability of the equipment and facilities of the carrier and of the person seeking such access.

''(4) COMMISSION ACTION REQUIRED.—

''(A) IN GENERAL.—Within 15 months after the date of enactment of this part, the Commission shall complete all actions necessary (including any reconsideration) to establish regulations to implement the requirements of this section. The Commission shall establish such regulations after consultation with the Joint Board established pursuant to section 247.

''(B) COLLOCATION.—Such regulations shall provide for actual collocation of equipment necessary for interconnection for telecommunications services at the premises of a local exchange carrier, except that the regulations shall provide for virtual collocation where the local exchange carrier demonstrates that actual collocation is not practical for technical reasons or because of space limitations.

''(C) USER PAYMENT OF COSTS.—Such regulations shall require that the costs that a carrier incurs in offering access, interconnection, number portability, or unbundled services, elements, features, functions, and capabilities shall be borne by the users of such access, interconnection, number portability, or services, elements, features, functions, and capabilities.

''(D) IMPUTED CHARGES TO CARRIER.—Such regulations shall require the carrier, to the extent it provides a telecommunications service or an information service that requires access or interconnection to its network facilities, to impute such access and interconnection charges to itself.

''(c) NUMBER PORTABILITY AND DIALING PARITY.—

''(1) AVAILABILITY.—A local exchange carrier shall ensure that—

''(A) number portability shall be available on request in accordance with subsection (a)(4); and

''(B) dialing parity shall be available upon request, except that, in the case of a Bell operating company, such company shall ensure that dialing parity for intraLATA telephone toll service shall be available not later than the date such company is authorized to provide interLATA services.

''(2) NUMBER ADMINISTRATION.—The Commission shall designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States. Nothing in this paragraph shall preclude the Commission from delegating to State commissions or other entities any portion of such jurisdiction.

''(d) JOINT MARKETING OF RESOLD ELEMENTS.—

''(1) RESTRICTION.—Except as provided in paragraph (2), no service, element, feature, function, or capability that is made available for resale in any State by a Bell operating company may be jointly marketed directly or indirectly with any interLATA telephone toll service until such Bell operating company is authorized pursuant to section 245(d) to provide interLATA services in such State.

''(2) EXISTING PROVIDERS.—Paragraph (1) shall not prohibit joint marketing of services, elements, features, functions, or capabilities acquired from a Bell operating company by another provider if that provider jointly markets services, elements, features, functions, and capabilities acquired from a Bell operating company anywhere in the telephone service territory of such Bell operating company, or in the telephone service territory of any affiliate of such Bell operating company that provides telephone exchange service, pursuant to any agreement, tariff, or other arrangement entered into or in effect before the date of enactment of this part.

''(e) MODIFICATIONS AND WAIVERS.—The Commission may modify or waive the requirements of this section for any local exchange carrier (or class or category of such carriers) that has, in the aggregate nationwide, fewer than 500,000 access lines installed, to the extent that the Commission determines that compliance with such requirements (without such modification) would be unduly economically burdensome, technologically infeasible, or otherwise not in the public interest.

''(f) WAIVER FOR RURAL TELEPHONE COMPANIES.—A State commission may waive the requirements of this section with respect to any rural telephone company.

''(g) EXEMPTION FOR CERTAIN RURAL TELEPHONE COMPANIES.—Subsections (a) through (d) of this section shall not apply to a carrier that has fewer than 50,000 access lines in a local exchange study area, if such carrier does not provide video programming services over its telephone exchange facilities in such study area, except that a State commission may terminate the exemption under this subsection if the State commission determines that the termination of such exemption is consistent with the public interest, convenience, and necessity.

''(h) AVOIDANCE OF REDUNDANT REGULATIONS.—Nothing in this section shall be construed to prohibit the Commission or any State commission from enforcing regulations prescribed prior to the date of enactment of this part in fulfilling the requirements of this section, to the extent that such regulations are consistent with the provisions of this section.

''SEC. 243. PREEMPTION.

''(a) REMOVAL OF BARRIERS TO ENTRY.—Except as provided in subsection (b) of this section, no State or local statute, regulation, or other legal requirement shall—

''(1) effectively prohibit any carrier or other person from entering the business of providing interstate or intrastate telecommunications services or information services; or

''(2) effectively prohibit any carrier or other person providing (or seeking to provide) interstate or intrastate telecommunications services or information services from exercising the access and interconnection rights provided under this part.

''(b) STATE AND LOCAL AUTHORITY.—Nothing in this section shall affect the ability of State or local officials to impose, on a nondiscriminatory basis, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, ensure that a provider's business practices are consistent with consumer protection laws and regulations, and ensure just and reasonable rates, provided that such requirements do not effectively prohibit any carrier or person from providing interstate or intrastate telecommunications services or information services.

''(c) CONSTRUCTION PERMITS.—Subsection (a) shall not be construed to prohibit a local government from requiring a person or carrier to obtain ordinary and usual construction or similar permits for its operations if—

''(1) such permit is required without regard to the nature of the business; and

''(2) requiring such permit does not effectively prohibit any person or carrier from providing any interstate or intrastate telecommunications service or information service.

''(d) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(3) shall apply in lieu of the provisions of this section.

''(e) PARITY OF FRANCHISE AND OTHER CHARGES.—Notwithstanding section 2(b), no local government may impose or collect any franchise, license, permit, or right-of-way fee or any assessment, rental, or any other charge or equivalent thereof as a condition for operating in the locality or for obtaining access to, occupying, or crossing public rights-of-way from any provider of telecommunications services that distinguishes between or among providers of telecommunications services, including the local exchange carrier. For purposes of this subsection, a franchise, license, permit, or right-of-way fee or an assessment, rental, or any other charge or equivalent thereof does not include any imposition of general applicability which does not distinguish between or among providers of telecommunications services, or any tax.

''SEC. 244. STATEMENTS OF TERMS AND CONDITIONS FOR ACCESS AND INTERCONNECTION.

''(a) IN GENERAL.—Within 18 months after the date of enactment of this part, and from time to time thereafter, a local exchange carrier shall prepare and file with a State commission statements of the terms and conditions that such carrier generally offers within that State with respect to the services, elements, features, functions, or capabilities provided to comply with the requirements of section 242 and the regulations thereunder. Any such statement pertaining to the charges for interstate services, elements, features, functions, or capabilities shall be filed with the Commission.

''(b) REVIEW.—

''(1) STATE COMMISSION REVIEW.—A State commission to which a statement is submitted under subsection (a) shall review such statement in accordance with State law. A State commission may not approve such statement unless such statement complies with section 242 and the regulations thereunder. Except as provided in section 243, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of such statement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

''(2) FCC REVIEW.—The Commission shall review such statements to ensure that—

''(A) the charges for interstate services, elements, features, functions, or capabilities are just, reasonable, and nondiscriminatory; and

''(B) the terms and conditions for such interstate services or elements unbundle any separable services, elements, features, functions, or capabilities in accordance with section 242(a)(2) and any regulations thereunder.

''(c) TIME FOR REVIEW.—

''(1) SCHEDULE FOR REVIEW.—The Commission and the State commission to which a statement is submitted shall, not later than 60 days after the date of such submission—

''(A) complete the review of such statement under subsection (b) (including any reconsideration thereof), unless the submitting carrier agrees to an extension of the period for such review; or

''(B) permit such statement to take effect.

''(2) AUTHORITY TO CONTINUE REVIEW.—Paragraph (1) shall not preclude the Commission or a State commission from continuing to review a statement that has been permitted to take effect under subparagraph (B) of such paragraph.

''(d) EFFECT OF AGREEMENTS.—Nothing in this section shall prohibit a carrier from filing an agreement to provide services, elements, features, functions, or capabilities affording access and interconnection as a statement of terms and conditions that the carrier generally offers for purposes of this section. An agreement affording access and interconnection shall not be approved under this section unless the agreement contains a plan, including a reasonable schedule, for the implementation of the requested access or interconnection. The approval of a statement under this section shall not operate to prohibit a carrier from entering into subsequent

agreements that contain terms and conditions that differ from those contained in a statement that has been reviewed and approved under this section, but—

''(1) each such subsequent agreement shall be filed under this section; and

''(2) such carrier shall be obligated to offer access to such services, elements, features, functions, or capabilities to other carriers and persons (including carriers and persons covered by previously approved statements) requesting such access on terms and conditions that, in relation to the terms and conditions in such subsequent agreements, are not discriminatory.

''(e) SUNSET.—The provisions of this section shall cease to apply in any local exchange market, defined by geographic area and class or category of service, that the Commission and the State determines has become subject to full and open competition.

''SEC. 245. BELL OPERATING COMPANY ENTRY INTO INTERLATA SERVICES.

''(a) VERIFICATION OF ACCESS AND INTERCONNECTION COMPLIANCE.—At any time after 18 months after the date of enactment of this part, a Bell operating company may provide to the Commission verification by such company with respect to one or more States that such company is in compliance with the requirements of this part. Such verification shall contain the following:

''(1) CERTIFICATION.—A certification by each State commission of such State or States that such carrier has fully implemented the conditions described in subsection (b), except as provided in subsection (d)(2).

''(2) AGREEMENT OR STATEMENT.—For each such State, either of the following:

''(A) PRESENCE OF A FACILITIES-BASED COMPETITOR.—An agreement that has been approved under section 244 specifying the terms and conditions under which the Bell operating company is providing access and interconnection to its network facilities in accordance with section 242 for an unaffiliated competing provider of telephone exchange service that is comparable in price, features, and scope and that is provided over the competitor's own network facilities to residential and business subscribers.

''(B) FAILURE TO REQUEST ACCESS.—If no such provider has requested such access and interconnection before the date which is 3 months before the date the company makes its submission under this subsection, a statement of the terms and conditions that the carrier generally offers to provide such access and interconnection that has been approved or permitted to take effect by the State commission under section 243.

For purposes of subparagraph (B), a Bell operating company shall be considered not to have received any request for access or interconnection if the State commission of such State or States certifies that the only provider or providers making such request have (i) failed to bargain in good faith under the supervision of such State commission pursuant to section 242(a)(8), or (ii) have violated the terms of their agreement by failure to comply, within a reasonable period of time, with the implementation schedule contained in such agreement.

''(b) CERTIFICATION OF COMPLIANCE WITH PART II.—For the purposes of subsection (a)(1), a Bell operating company shall submit to the Commission a certification by a State commission of compliance with each of the following conditions in any area where such company provides local exchange service or exchange access in such State:

''(1) INTERCONNECTION.—The Bell operating company provides access and interconnection in accordance with subsections (a)(1) and (b) of section 242 to any other carrier or person offering telecommunications services requesting such access and interconnection, and complies with the Commission regulations pursuant to such section concerning such access and interconnection.

''(2) UNBUNDLING OF NETWORK ELEMENTS.—The Bell operating company provides unbundled services, elements, features, functions, and capabilities in accordance with subsection (a)(2) of section 242 and the regulations prescribed by the Commission pursuant to such section.

''(3) RESALE.—The Bell operating company offers services, elements, features, functions, and capabilities for resale in accordance with section 242(a)(3), and neither the Bell operating company, nor any unit of State or local government within the State, imposes any restrictions on resale or sharing of telephone exchange service (or unbundled services, elements, features, or functions of telephone exchange service) in violation of section 242(a)(3).

''(4) NUMBER PORTABILITY.—The Bell operating company provides number portability in compliance with the Commission's regulations pursuant to subsections (a)(4) and (c) of section 242.

''(5) DIALING PARITY.—The Bell operating company provides dialing parity in accordance with subsections (a)(5) and (c) of section 242, and will, not later than the effective date of its authority to commence providing interLATA services, take such actions as are necessary to provide dialing parity for intraLATA telephone toll service in accordance with such subsections.

''(6) ACCESS TO CONDUITS AND RIGHTS OF WAY.—The poles, ducts, conduits, and rights of way of such Bell operating company are available to competing providers of telecommunications services in accordance with the requirements of sections 242(a)(6) and 224(d).

''(7) ELIMINATION OF FRANCHISE LIMITATIONS.—No unit of the State or local government in such State or States enforces any prohibition or limitation in violation of section 243.

''(8) NETWORK FUNCTIONALITY AND ACCESSIBILITY.—The Bell operating company will not install network features, functions, or capabilities that do not comply with the standards established pursuant to section 249.

''(9) NEGOTIATION OF TERMS AND CONDITIONS.—The Bell operating company has negotiated in good faith, under the supervision of the State commission, in accordance with the requirements of section 242(a)(8) with any other carrier or person requesting access or interconnection.

''(c) APPLICATION FOR INTERIM INTERLATA AUTHORITY.—

''(1) APPLICATION SUBMISSION AND CONTENTS.—At any time after the date of enactment of this part, and prior to the completion by the Commission of all actions necessary to establish regulations under section 242, a Bell operating company may apply to the Commission for interim authority to provide interLATA services. Such application shall specify the LATA or LATAs for which the company is requesting authority to provide interim interLATA services. Such application shall contain, with respect to each LATA within a State for which authorization is requested, the following:

''(A) PRESENCE OF A FACILITIES-BASED COMPETITOR.—An agreement that the State commission has determined complies with section 242 (without regard to any regulations thereunder) and that specifies the terms and conditions under which the Bell operating company is providing access and interconnection to its network facilities for an unaffiliated competing provider of telephone exchange service that is comparable in price, features, and scope and that is provided over the competitor's own network facilities to residential and business subscribers.

''(B) CERTIFICATION.—A certification by the State commission of the State within which such LATA is located that such company is in compliance with State laws, rules, and regulations providing for the implementation of the standards described in subsection (b) as of the date of certification, including certification that such company is offering services, elements, features, functions, and capabilities for resale at economically feasible rates to the reseller, recognizing pricing structures for telephone exchange service in such State.

''(2) STATE TO PARTICIPATE.—The company shall serve a copy of the application on the relevant State commission within 5 days of filing its application. The State shall file comments to the Commission on the company's application within 40 days of receiving a copy of the company's application.

''(3) DEADLINES FOR COMMISSION ACTION.—The Commission shall make a determination on such application not more than 90 days after such application is filed.

''(4) EXPIRATION OF INTERIM AUTHORITY.—Any interim authority granted pursuant to this subsection shall cease to be effective 180 days after the completion by the Commission of all actions necessary to establish regulations under section 242.

''(d) COMMISSION REVIEW.—

''(1) REVIEW OF STATE DECISIONS AND CERTIFICATIONS.—The Commission shall review any verification submitted by a Bell operating company pursuant to subsection (a). The Commission may require such company to submit such additional information as is necessary to validate any of the items of such verification.

''(2) DE NOVO REVIEW.—If—

''(A) a State commission does not have the jurisdiction or authority to make the certification required by subsection (b);

''(B) the State commission has failed to act within 90 days after the date a request for such certification is filed with such State commission; or

''(C) the State commission has sought to impose a term or condition in violation of section 243;

the local exchange carrier may request the Commission to certify the carrier's compliance with the conditions specified in subsection (b).

''(3) TIME FOR DECISION; PUBLIC COMMENT.—Unless such Bell operating company consents to a longer period of time, the Commission shall approve, disapprove, or approve with conditions such verification within 90 days after the date of its submission. During such 90 days, the Commission shall afford interested persons an opportunity to present information and evidence concerning such verification.

''(4) STANDARD FOR DECISION.—The Commission shall not approve such verification unless the Commission determines that—

''(A) the Bell operating company meets each of the conditions required to be certified under subsection (b); and

''(B) the agreement or statement submitted under subsection (a)(2) complies with the requirements of section 242 and the regulations thereunder.

''(e) ENFORCEMENT OF CONDITIONS.—

''(1) COMMISSION AUTHORITY.—If at any time after the approval of a verification under subsection (d), the Commission determines that a Bell operating company has ceased to meet any of the conditions required to be certified under subsection (b), the Commission may, after notice and opportunity for a hearing—

''(A) issue an order to such company to correct the deficiency;

''(B) impose a penalty on such company pursuant to title V; or

''(C) suspend or revoke such approval.

''(2) RECEIPT AND REVIEW OF COMPLAINTS.—The Commission shall establish procedures for the review of complaints concerning failures by Bell operating companies to meet conditions required to be certified under subsection (b). Unless the parties otherwise agree, the Commission shall act on such complaint within 90 days.

''(3) STATE AUTHORITY.—The authority of the Commission under this subsection shall not be construed to preempt any State commission from taking actions to enforce the conditions required to be certified under subsection (b).

''(f) AUTHORITY TO PROVIDE INTERLATA SERVICES.—

''(1) PROHIBITION.—Except as provided in paragraph (2) and subsections (g) and (h), a Bell operating company or affiliate thereof may not provide interLATA services.

''(2) AUTHORITY SUBJECT TO CERTIFICATION.—A Bell operating company or affiliate thereof may, in any States to which its verification under subsection (a) applies, provide interLATA services—

''(A) during any period after the effective date of the Commission's approval of such verification pursuant to subsection (d), and

''(B) until the approval of such verification is suspended or revoked by the Commission pursuant to subsection (d).

''(g) EXCEPTION FOR PREVIOUSLY AUTHORIZED ACTIVITIES.—Subsection (f) shall not prohibit a Bell operating company or affiliate from engaging, at any time after the date of the enactment of this part, in any activity as authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VII or VIII(C) of the Modification of Final Judgment, if—

''(1) such order was entered on or before the date of the enactment of this part, or

''(2) a request for such authorization was pending before such court on the date of the enactment of this part.

''(h) EXCEPTIONS FOR INCIDENTAL SERVICES.—Subsection (f) shall not prohibit a Bell operating company or affiliate thereof, at any time after the date of the enactment of this part, from providing interLATA services for the purpose of—

''(1)(A) providing audio programming, video programming, or other programming services to subscribers to such services of such company;

''(B) providing the capability for interaction by such subscribers to select or respond to such audio programming, video programming, or other programming services; or

''(C) providing to distributors audio programming or video programming that such company owns or controls, or is licensed by the copyright owner of such programming (or by an assignee of such owner) to distribute;

''(2) providing a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between local access and transport areas within a cable system franchise area in which such company is not, on the date of the enactment of this part, a provider of wireline telephone exchange service;

''(3) providing commercial mobile services in accordance with section 332(c) of this Act and with the regulations prescribed by the Commission pursuant to paragraph (8) of such section;

''(4) providing a service that permits a customer that is located in one local access and transport area to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another local access and transport area;

''(5) providing signaling information used in connection with the provision of telephone exchange services to a local exchange carrier that, together with any affiliated local exchange carriers, has aggregate annual revenues of less than $100,000,000; or

''(6) providing network control signaling information to, and receiving such signaling information from, common carriers offering interLATA services at any location within the area in which such Bell operating company provides telephone exchange services or exchange access.

''(i) INTRALATA TOLL DIALING PARITY.—Neither the Commission nor any State may order any Bell operating company to provide dialing parity for intraLATA telephone toll service in any State before the date such company is authorized to provide interLATA services in such State pursuant to this section.

''(j) FORBEARANCE.—The Commission may not, pursuant to section 230, forbear from applying any provision of this section or any regulation thereunder until at least 5 years after the date of enactment of this part.

''(k) SUNSET.—The provisions of this section shall cease to apply in any local exchange market, defined by geographic area and class or category of service, that the Commission and the State determines has become subject to full and open competition.

''(l) DEFINITIONS.—As used in this section—

''(1) AUDIO PROGRAMMING.—The term 'audio programming' means programming provided by, or generally considered comparable to programming provided by, a radio broadcast station.

''(2) VIDEO PROGRAMMING.—The term 'video programming' has the meaning provided in section 602.

''(3) OTHER PROGRAMMING SERVICES.—The term 'other programming services' means information (other than audio programming or video programming) that the person who offers a video programming service makes available to all subscribers generally. For purposes of the preceding sentence, the terms 'information' and 'makes available to all subscribers generally' have the same meaning such terms have under section 602(13) of this Act.

''SEC. 246. COMPETITIVE SAFEGUARDS.

''(a) IN GENERAL.—In accordance with the requirements of this section and the regulations adopted thereunder, a Bell operating company or any affiliate thereof providing any interLATA telecommunications or information service, shall do so through a subsidiary that is separate from the Bell operating company or any affiliate thereof that provides telephone exchange service.

''(b) TRANSACTION REQUIREMENTS.—Any transaction between such a subsidiary and a Bell operating company and any other affiliate of such company shall be conducted on an arm's-length basis, in the same manner as the Bell operating company conducts business with unaffiliated persons, and shall not be based upon any preference or discrimination in favor of the subsidiary arising out of the subsidiary's affiliation with such company.

''(c) SEPARATE OPERATION AND PROPERTY.—A subsidiary required by this section shall—

''(1) operate independently from the Bell operating company or any affiliate thereof,

''(2) have separate officers, directors, and employees who may not also serve as officers, directors, or employees of the Bell operating company or any affiliate thereof,

''(3) not enter into any joint venture activities or partnership with a Bell operating company or any affiliate thereof,

''(4) not own any telecommunications transmission or switching facilities in common with the Bell operating company or any affiliate thereof, and

''(5) not jointly own or share the use of any other property with the Bell operating company or any affiliate thereof.

''(d) BOOKS, RECORDS, AND ACCOUNTS.—Any subsidiary required by this section shall maintain books, records, and accounts in a manner prescribed by the Commission which shall be separate from the books, records, and accounts maintained by a Bell operating company or any affiliate thereof.

''(e) PROVISION OF SERVICES AND INFORMATION.—A Bell operating company or any affiliate thereof may not discriminate between a subsidiary required by this section and any other person in the provision or procurement of goods, services, facilities, or information, or in the establishment of standards, and shall not provide any goods, services, facilities or information to a subsidiary required by this section unless such goods, services, facilities or information are made available to others on reasonable, nondiscriminatory terms and conditions.

''(f) PREVENTION OF CROSS-SUBSIDIES.—A Bell operating company or any affiliate thereof required to maintain a subsidiary under this section shall establish and administer, in accordance with the requirements of this section and the regulations prescribed thereunder, a cost allocation system that prohibits any cost of providing interLATA telecommunications or information services from being subsidized by revenue from telephone exchange services and telephone exchange access services. The cost allocation system shall employ a formula that ensures that—

''(1) the rates for telephone exchange services and exchange access are no greater than they would have been in the absence of such investment in interLATA telecommunications or information services (taking into account any decline in the real costs of providing such telephone exchange services and exchange access); and

''(2) such interLATA telecommunications or information services bear a reasonable share of the joint and common costs of facilities used to provide telephone exchange, exchange access, and competitive services.

''(g) ASSETS.—The Commission shall, by regulation, ensure that the economic risks associated with the provision of interLATA telecommunications or information services by a Bell operating company or any affiliate thereof (including any increases in such company's cost of capital that occur as a result of the provision of such services) are not borne by customers of telephone exchange services and exchange access in the event of a business loss or failure. Investments or other expenditures assigned to interLATA telecommunications or information services shall not be reassigned to telephone exchange service or exchange access.

''(h) DEBT.—A subsidiary required by this section shall not obtain credit under any arrangement that would—

''(1) permit a creditor, upon default, to have resource to the assets of a Bell operating company; or

''(2) induce a creditor to rely on the tangible or intangible assets of a Bell operating company in extending credit.

''(i) FULFILLMENT OF CERTAIN REQUESTS.—A Bell operating company or an affiliate thereof shall—

''(1) fulfill any requests from an unaffiliated entity for telephone exchange service and exchange access within a period no longer than the period in which it provides such telephone exchange service and exchange access to itself or to its affiliates;

''(2) fulfill any such requests with telephone exchange service and exchange access of a quality that meets or exceeds the quality of telephone exchange services and exchange access provided by the Bell operating company or its affiliates to itself or its affiliates; and

''(3) provide telephone exchange service and exchange access to all providers of intraLATA or interLATA telephone toll services and interLATA information services at cost-based rates that are not unreasonably discriminatory.

''(j) CHARGES FOR ACCESS SERVICES.—A Bell operating company or an affiliate thereof shall charge the subsidiary required by this section an amount for telephone exchange services, exchange access, and other necessary associated inputs no less than the rate charged to any unaffiliated entity for such access and inputs.

''(k) SUNSET.—The provisions of this section shall cease to apply in any local exchange market 3 years after the date of enactment of this part.

''SEC. 247. UNIVERSAL SERVICE.

''(a) JOINT BOARD TO PRESERVE UNIVERSAL SERVICE.—Within 30 days after the date of enactment of this part, the Commission shall convene a Federal-State Joint Board under section 410(c) for the purpose of recommending actions to the Commission and State commissions for the preservation of universal service in furtherance of the purposes set forth in section 1 of this Act. In addition to the members required under section 410(c), one member of the Joint Board shall be a State-appointed utility consumer advocate

nominated by a national organization of State utility consumer advocates.

''(b) PRINCIPLES.—The Joint Board shall base policies for the preservation of universal service on the following principles:

''(1) JUST AND REASONABLE RATES.—A plan adopted by the Commission and the States should ensure the continued viability of universal service by maintaining quality services at just and reasonable rates.

''(2) DEFINITIONS OF INCLUDED SERVICES; COMPARABILITY IN URBAN AND RURAL AREAS.—Such plan should recommend a definition of the nature and extent of the services encompassed within carriers' universal service obligations. Such plan should seek to promote access to advanced telecommunications services and capabilities, and to promote reasonably comparable services for the general public in urban and rural areas, while maintaining just and reasonable rates.

''(3) ADEQUATE AND SUSTAINABLE SUPPORT MECHANISMS.—Such plan should recommend specific and predictable mechanisms to provide adequate and sustainable support for universal service.

''(4) EQUITABLE AND NONDISCRIMINATORY CONTRIBUTIONS.—All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation of universal service.

''(5) EDUCATIONAL ACCESS TO ADVANCED TELECOMMUNICATIONS SERVICES.—To the extent that a common carrier establishes advanced telecommunications services, such plan should include recommendations to ensure access to advanced telecommunications services for students in elementary and secondary schools.

''(6) ADDITIONAL PRINCIPLES.—Such other principles as the Board determines are necessary and appropriate for the protection of the public interest, convenience, and necessity and consistent with the purposes of this Act.

''(c) DEFINITION OF UNIVERSAL SERVICE.—In recommending a definition of the nature and extent of the services encompassed within carriers' universal service obligations under subsection (b)(2), the Joint Board shall consider the extent to which—

''(1) a telecommunications service has, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers;

''(2) such service or capability is essential to public health, public safety, or the public interest;

''(3) such service has been deployed in the public switched telecommunications network; and

''(4) inclusion of such service within carriers' universal service obligations is otherwise consistent with the public interest, convenience, and necessity.

The Joint Board may, from time to time, recommend to the Commission modifications in the definition proposed under subsection (b).

''(d) REPORT; COMMISSION RESPONSE.—The Joint Board convened pursuant to subsection (a) shall report its recommendations within 270 days after the date of enactment of this part. The Commission shall complete any proceeding to act upon such recommendations and to comply with the principles set forth in subsection (b) within one year after such date of enactment.

''(e) STATE AUTHORITY.—Nothing in this section shall be construed to restrict the authority of any State to adopt regulations imposing universal service obligations on the provision of intrastate telecommunications services.

''(f) SUNSET.—The Joint Board established by this section shall cease to exist 5 years after the date of enactment of this part.

''SEC. 248. PRICING FLEXIBILITY AND ABOLITION OF RATE-OF-RETURN REGULATION.

''(a) PRICING FLEXIBILITY.—

''(1) COMMISSION CRITERIA.—Within 270 days after the date of enactment of this part, the Commission shall complete all actions necessary (including any reconsideration) to establish—

''(A) criteria for determining whether a telecommunications service or provider of such service has become, or is substantially certain to become, subject to competition, either within a geographic area or within a class or category of service; and

''(B) appropriate flexible pricing procedures that afford a regulated provider of a service described in subparagraph (A) the opportunity to respond fairly to such competition and that are consistent with the protection of subscribers and the public interest, convenience, and necessity.

''(2) STATE SELECTION.—A State commission may utilize the flexible pricing procedures or procedures (established under paragraph (1)(B)) that are appropriate in light of the criteria established under paragraph (1)(A).

''(3) DETERMINATIONS.—The Commission, with respect to rates for interstate or foreign communications, and State commissions, with respect to rates for intrastate communications, shall, upon application—

''(A) render determinations in accordance with the criteria established under paragraph (1)(A) concerning the services or providers that are the subject of such application; and

''(B) upon a proper showing, implement appropriate flexible pricing procedures consistent with paragraphs (1)(B) and (2) with respect to such services or providers.

The Commission and such State commission shall approve or reject any such application within 180 days after the date of its submission.

''(b) ABOLITION OF RATE-OF-RETURN REGULATION.—Notwithstanding any other provision of law, to the extent that a carrier has complied with sections 242 and 244 of this part, the Commission, with respect to rates for interstate or foreign communications, and State commissions, with respect to rates for intrastate communications, shall not require rate-of-return regulation.

''(c) TERMINATION OF PRICE AND OTHER REGULATION.—Notwithstanding any other provision of law, to the extent that a carrier has complied with sections 242 and 244 of this part, the Commission, with respect to interstate or foreign communications, and State commissions, with respect to intrastate communications, shall not, for any service that is determined, in accordance with the criteria established under subsection (a)(1)(A), to be subject to competition that effectively prevents prices for such service that are unjust or unreasonable or unjustly or unreasonably discriminatory—

''(1) regulate the prices for such service;

''(2) require the filing of a schedule of charges for such service;

''(3) require the filing of any cost or revenue projections for such service;

''(4) regulate the depreciation charges for facilities used to provide such service; or

''(5) require prior approval for the construction or extension of lines or other equipment for the provision of such service.

''(d) ABILITY TO CONTINUE AFFORDABLE VOICE-GRADE SERVICE.—Notwithstanding subsections (a), (b), and (c), each State commission shall, for a period of not more than 3 years, permit residential subscribers to continue to receive only basic voice-grade local telephone service equivalent to the service generally available to residential subscribers on the date of enactment of this part, at just, reasonable, and affordable rates. Determinations concerning the affordability of rates for such services shall take into account the rates generally available to residential subscribers on such date of enactment and the pricing rules established by the States. Any increases in the rates for such services for residential subscribers that are not attributable to changes in consumer prices generally shall be permitted in any proceeding commenced after the date of enactment of this section upon a showing that such increase is necessary to ensure the continued availability of universal service, prevent economic disadvantages for one or more service providers, and is in the public interest. Such increase in rates shall be minimized to the greatest extent practical and shall be implemented over a time period of not more than 3 years after the the date of enactment of this section. The requirements of this subsection shall not apply to any rural telephone company if the rates for basic voice-grade local telephone service of that company are not subject to regulation by a State commission on the date of enactment of this part.

''(e) INTERSTATE INTEREXCHANGE SERVICE.—The rates charged by providers of interstate interexchange telecommunications service to customers in rural and high cost areas shall be maintained at levels no higher than those charged by each such provider to its customers in urban areas.

''(f) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(1) shall apply in lieu of the provisions of this section.

''(g) AVOIDANCE OF REDUNDANT REGULATIONS.—Nothing in this section shall be construed to prohibit the Commission or a State commission from enforcing regulations prescribed prior to the date of enactment of this part in fulfilling the requirements of this section, to the extent that such regulations are consistent with the provisions of this section.

''SEC. 249. NETWORK FUNCTIONALITY AND ACCESSIBILITY.

''(a) FUNCTIONALITY AND ACCESSIBILITY.—The duty of a common carrier under section 201(a) to furnish communications service includes the duty to furnish that service in accordance with any standards established pursuant to this section.

''(b) COORDINATION FOR INTERCONNECTIVITY.—The Commission—

''(1) shall establish procedures for Commission oversight of coordinated network planning by common carriers and other providers of telecommunications services for the effective and efficient interconnection of public switched networks; and

''(2) may participate, in a manner consistent with its authority and practice prior to the date of enactment of this section, in the development by appropriate industry standards-setting organizations of interconnection standards that promote access to—

''(A) network capabilities and services by individuals with disabilities; and

''(B) information services by subscribers to telephone exchange service furnished by a rural telephone company.

''(c) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

''(1) ACCESSIBILITY.—Within 1 year after the date of enactment of this section, the Commission shall prescribe such regulations as are necessary to ensure that, if readily achievable, advances in network services deployed by common carriers, and telecommunications equipment and customer premises equipment manufactured for use in conjunction with network services, shall be accessible and usable by individuals with disabilities, including individuals with functional limitations of hearing, vision, movement, manipulation, speech, and interpretation of information. Such regulations shall permit the use of both standard and special equipment, and seek to minimize the need of individuals to acquire additional devices beyond those used by the general public to obtain such access. Throughout the process of developing such regulations, the Commission shall coordinate and consult with representatives of individuals with disabilities and interested equipment and service providers to ensure their concerns and interests are given full consideration in such process.

''(2) COMPATIBILITY.—Such regulations shall require that whenever an undue burden or adverse competitive impact would result from the requirements in paragraph (1), the local exchange carrier that deploys the network service

shall ensure that the network service in question is compatible with existing peripheral devices or specialized customer premises equipment commonly used by persons with disabilities to achieve access, unless doing so would result in an undue burden or adverse competitive impact.

''(3) UNDUE BURDEN.—The term 'undue burden' means significant difficulty or expense. In determining whether the activity necessary to comply with the requirements of this subsection would result in an undue burden, the factors to be considered include the following:

''(A) The nature and cost of the activity.

''(B) The impact on the operation of the facility involved in the deployment of the network service.

''(C) The financial resources of the local exchange carrier.

''(D) The type of operations of the local exchange carrier.

''(4) ADVERSE COMPETITIVE IMPACT.—In determining whether the activity necessary to comply with the requirements of this subsection would result in adverse competitive impact, the following factors shall be considered:

''(A) Whether such activity would raise the cost of the network service in question beyond the level at which there would be sufficient consumer demand by the general population to make the network service profitable.

''(B) Whether such activity would, with respect to the network service in question, put the local exchange carrier at a competitive disadvantage. This factor may be considered so long as competing network service providers are not held to the same obligation with respect to access by persons with disabilities.

''(5) EFFECTIVE DATE.—The regulations required by this subsection shall become effective 18 months after the date of enactment of this part.

''(d) PRIVATE RIGHTS OF ACTIONS PROHIBITED.—Nothing in this section shall be construed to authorize any private right of action to enforce any requirement of this section or any regulation thereunder. The Commission shall have exclusive jurisdiction with respect to any complaint under this section.

"SEC. 250. MARKET ENTRY BARRIERS.

''(a) ELIMINATION OF BARRIERS.—Within 15 months after the date of enactment of this part, the Commission shall complete a proceeding for the purpose of identifying and eliminating, by regulations pursuant to its authority under this Act (other than this section), market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services, or in the provision of parts or services to providers of telecommunications services and information services.

''(b) NATIONAL POLICY.—In carrying out subsection (a), the Commission shall seek to promote the policies and purposes of this Act favoring diversity of points of view, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity.

''(c) PERIODIC REVIEW.—Every 3 years following the completion of the proceeding required by subsection (a), the Commission shall review and report to Congress on—

''(1) any regulations prescribed to eliminate barriers within its jurisdiction that are identified under subsection (a) and that can be prescribed consistent with the public interest, convenience, and necessity; and

''(2) the statutory barriers identified under subsection (a) that the Commission recommends be eliminated, consistent with the public interest, convenience, and necessity.

"SEC. 251. ILLEGAL CHANGES IN SUBSCRIBER CARRIER SELECTIONS.

''No common carrier shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe. Nothing in this section shall preclude any State commission from enforcing such procedures with respect to intrastate services.

"SEC. 252. STUDY.

''At least once every three years, the Commission shall conduct a study that—

''(1) reviews the definition of, and the adequacy of support for, universal service, and evaluates the extent to which universal service has been protected and access to advanced services has been facilitated pursuant to this part and the plans and regulations thereunder;

''(2) evaluates the extent to which access to advanced telecommunications services for students in elementary and secondary school classrooms has been attained pursuant to section 247(b)(5); and

''(3) determines whether the regulations established under section 249(c) have ensured that advances in network services by providers of telecommunications services and information services are accessible and usable by individuals with disabilities.

"SEC. 253. TERRITORIAL EXEMPTION.

''Until 5 years after the date of enactment of this part, the provisions of this part shall not apply to any local exchange carrier in any territory of the United States if (1) the local exchange carrier is owned by the government of such territory, and (2) on the date of enactment of this part, the number of households in such territory subscribing to telephone service is less than 85 percent of the total households located in such territory.''.

(b) CONSOLIDATED RULEMAKING PROCEEDING.—The Commission shall conduct a single consolidated rulemaking proceeding to prescribe or amend regulations necessary to implement the requirements of—

(1) part II of title II of the Act as added by subsection (a) of this section;

(2) section 222 as amended by section 104 of this Act; and

(3) section 224 as amended by section 105 of this Act.

(c) DESIGNATION OF PART I.—Title II of the Act is further amended by inserting before the heading of section 201 the following new heading:

"PART I—REGULATION OF DOMINANT COMMON CARRIERS".

(d) SYLISTIC CONSISTENCY.—The Act is amended so that—

(1) the designation and heading of each title of the Act shall be in the form and typeface of the designation and heading of this title of this Act; and

(2) the designation and heading of each part of each title of the Act shall be in the form and typeface of the designation and heading of part I of title II of the Act, as amended by subsection (c).

(e) CONFORMING AMENDMENTS.—

(1) FEDERAL-STATE JURISDICTION.—Section 2(b) of the Act (47 U.S.C. 152(b)) is amended by inserting ''part II of title II,'' after ''227, inclusive,''.

(2) FORFEITURES.—Sections 503(b)(1) and 504(b) of such Act (47 U.S.C. 503(b)) are each amended by inserting ''part I of'' before ''title II''.

SEC. 102. COMPETITION IN MANUFACTURING, INFORMATION SERVICES, ALARM SERVICES, AND PAY-PHONE SERVICES.

(a) COMPETITION IN MANUFACTURING, INFORMATION SERVICES, AND ALARM SERVICES.—Title II of the Act is amended by adding at the end of part II (as added by section 101) the following new part:

"PART III—SPECIAL AND TEMPORARY PROVISIONS

"SEC. 271. MANUFACTURING BY BELL OPERATING COMPANIES.

''(a) ACCESS AND INTERCONNECTION.—It shall be unlawful for a Bell operating company, directly or through an affiliate, to manufacture telecommunications equipment or customer premises equipment, until the Commission has approved under section 245(c) verifications that such Bell operating company, and each Bell operating company with which it is affiliated, are in compliance with the access and interconnection requirements of part II of this title.

''(b) COLLABORATION.—Subsection (a) shall not prohibit a Bell operating company from engaging in close collaboration with any manufacturer of customer premises equipment or telecommunications equipment during the design and development of hardware, software, or combinations thereof related to such equipment.

''(c) INFORMATION REQUIREMENTS.—

''(1) INFORMATION ON PROTOCOLS AND TECHNICAL REQUIREMENTS.—Each Bell operating company shall, in accordance with regulations prescribed by the Commission, maintain and file with the Commission full and complete information with respect to the protocols and technical requirements for connection with and use of its telephone exchange service facilities. Each such company shall report promptly to the Commission any material changes or planned changes to such protocols and requirements, and the schedule for implementation of such changes or planned changes.

''(2) DISCLOSURE OF INFORMATION.—A Bell operating company shall not disclose any information required to be filed under paragraph (1) unless that information has been filed promptly, as required by regulation by the Commission.

''(3) ACCESS BY COMPETITORS TO INFORMATION.—The Commission may prescribe such additional regulations under this subsection as may be necessary to ensure that manufacturers have access to the information with respect to the protocols and technical requirements for connection with and use of telephone exchange service facilities that a Bell operating company makes available to any manufacturing affiliate or any unaffiliated manufacturer.

''(4) PLANNING INFORMATION.—Each Bell operating company shall provide, to contiguous common carriers providing telephone exchange service, timely information on the planned deployment of telecommunications equipment.

''(d) MANUFACTURING LIMITATIONS FOR STANDARD-SETTING ORGANIZATIONS.—

''(1) BELL COMMUNICATIONS RESEARCH.—The Bell Communications Research Corporation, or any successor entity, shall not engage in manufacturing telecommunications equipment or customer premises equipment so long as—

''(A) such Corporation or entity is owned, in whole or in part, by one or more Bell operating companies; or

''(B) such Corporation or entity engages in establishing standards for telecommunications equipment, customer premises equipment, or telecommunications services, or any product certification activities with respect to telecommunications equipment or customer premises equipment.

''(2) PARTICIPATION IN STANDARD SETTING; PROTECTION OF PROPRIETARY INFORMATION.—Any entity (including such Corporation) that engages in establishing standards for—

''(A) telecommunications equipment, customer premises equipment, or telecommunications services, or

''(B) any product certification activities with respect to telecommunications equipment or customer premises equipment,

for one or more Bell operating companies shall allow any other person to participate fully in such activities on a nondiscriminatory basis. Any such entity shall protect proprietary information submitted for review in the standards-setting and certification processes from release not specifically authorized by the owner of such information, even after such entity ceases to be so engaged.

''(e) BELL OPERATING COMPANY EQUIPMENT PROCUREMENT AND SALES.—

''(1) OBJECTIVE BASIS.—Each Bell operating company and any entity acting on behalf of a

Bell operating company shall make procurement decisions and award all supply contracts for equipment, services, and software on the basis of an objective assessment of price, quality, delivery, and other commercial factors.

''(2) SALES RESTRICTIONS.—A Bell operating company engaged in manufacturing may not restrict sales to any local exchange carrier of telecommunications equipment, including software integral to the operation of such equipment and related upgrades.

''(3) PROTECTION OF PROPRIETARY INFORMATION.—A Bell operating company and any entity it owns or otherwise controls shall protect the proprietary information submitted for procurement decisions from release not specifically authorized by the owner of such information.

''(f) ADMINISTRATION AND ENFORCEMENT AUTHORITY.—For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the Commission shall have the same authority, power, and functions with respect to any Bell operating company or any affiliate thereof as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier subject to this Act.

''(g) EXCEPTION FOR PREVIOUSLY AUTHORIZED ACTIVITIES.—Nothing in this section shall prohibit a Bell operating company or affiliate from engaging, at any time after the date of the enactment of this part, in any activity as authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VII or VIII(C) of the Modification of Final Judgment, if—

''(1) such order was entered on or before the date of the enactment of this part, or

''(2) a request for such authorization was pending before such court on the date of the enactment of this part.

''(h) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of any of the antitrust laws.

''(i) DEFINITION.—As used in this section, the term 'manufacturing' has the same meaning as such term has under the Modification of Final Judgment.

"SEC. 272. ELECTRONIC PUBLISHING BY BELL OPERATING COMPANIES.

''(a) LIMITATIONS.—No Bell operating company or any affiliate may engage in the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service, except that nothing in this section shall prohibit a separated affiliate or electronic publishing joint venture operated in accordance with this section from engaging in the provision of electronic publishing.

''(b) SEPARATED AFFILIATE OR ELECTRONIC PUBLISHING JOINT VENTURE REQUIREMENTS.—A separated affiliate or electronic publishing joint venture shall be operated independently from the Bell operating company. Such separated affiliate or joint venture and the Bell operating company with which it is affiliated shall—

''(1) maintain separate books, records, and accounts and prepare separate financial statements;

''(2) not incur debt in a manner that would permit a creditor of the separated affiliate or joint venture upon default to have recourse to the assets of the Bell operating company;

''(3) carry out transactions (A) in a manner consistent with such independence, (B) pursuant to written contracts or tariffs that are filed with the Commission and made publicly available, and (C) in a manner that is auditable in accordance with generally accepted auditing standards;

''(4) value any assets that are transferred directly or indirectly from the Bell operating company to a separated affiliate or joint venture, and record any transactions by which such assets are transferred, in accordance with such regulations as may be prescribed by the Commission or a State commission to prevent improper cross subsidies;

''(5) between a separated affiliate and a Bell operating company—

''(A) have no officers, directors, and employees in common after the effective date of this section; and

''(B) own no property in common;

''(6) not use for the marketing of any product or service of the separated affiliate or joint venture, the name, trademarks, or service marks of an existing Bell operating company except for names, trademarks, or service marks that are or were used in common with the entity that owns or controls the Bell operating company;

''(7) not permit the Bell operating company—

''(A) to perform hiring or training of personnel on behalf of a separated affiliate;

''(B) to perform the purchasing, installation, or maintenance of equipment on behalf of a separated affiliate, except for telephone service that it provides under tariff or contract subject to the provisions of this section; or

''(C) to perform research and development on behalf of a separated affiliate;

''(8) each have performed annually a compliance review—

''(A) that is conducted by an independent entity for the purpose of determining compliance during the preceding calendar year with any provision of this section; and

''(B) the results of which are maintained by the separated affiliate or joint venture and the Bell operating company for a period of 5 years subject to review by any lawful authority;

''(9) within 90 days of receiving a review described in paragraph (8), file a report of any exceptions and corrective action with the Commission and allow any person to inspect and copy such report subject to reasonable safeguards to protect any proprietary information contained in such report from being used for purposes other than to enforce or pursue remedies under this section.

''(c) JOINT MARKETING.—

''(1) IN GENERAL.—Except as provided in paragraph (2)—

''(A) a Bell operating company shall not carry out any promotion, marketing, sales, or advertising for or in conjunction with a separated affiliate; and

''(B) a Bell operating company shall not carry out any promotion, marketing, sales, or advertising for or in conjunction with an affiliate that is related to the provision of electronic publishing.

''(2) PERMISSIBLE JOINT ACTIVITIES.—

''(A) JOINT TELEMARKETING.—A Bell operating company may provide inbound telemarketing or referral services related to the provision of electronic publishing for a separated affiliate, electronic publishing joint venture, affiliate, or unaffiliated electronic publisher, provided that if such services are provided to a separated affiliate, electronic publishing joint venture, or affiliate, such services shall be made available to all electronic publishers on request, on nondiscriminatory terms.

''(B) TEAMING ARRANGEMENTS.—A Bell operating company may engage in nondiscriminatory teaming or business arrangements to engage in electronic publishing with any separated affiliate or with any other electronic publisher if (i) the Bell operating company only provides facilities, services, and basic telephone service information as authorized by this section, and (ii) the Bell operating company does not own such teaming or business arrangement.

''(C) ELECTRONIC PUBLISHING JOINT VENTURES.—A Bell operating company or affiliate may participate on a nonexclusive basis in electronic publishing joint ventures with entities that are not any Bell operating company, affiliate, or separated affiliate to provide electronic publishing services, if the Bell operating company or affiliate has not more than a 50 percent direct or indirect equity interest (or the equivalent thereof) or the right to more than 50 percent of the gross revenues under a revenue sharing or royalty agreement in any electronic publishing joint venture. Officers and employees of a Bell operating company or affiliate participating in an electronic publishing joint venture may not have more than 50 percent of the voting control over the electronic publishing joint venture. In the case of joint ventures with small, local electronic publishers, the Commission for good cause shown may authorize the Bell operating company or affiliate to have a larger equity interest, revenue share, or voting control but not to exceed 80 percent. A Bell operating company participating in an electronic publishing joint venture may provide promotion, marketing, sales, or advertising personnel and services to such joint venture.

''(d) PRIVATE RIGHT OF ACTION.—

''(1) DAMAGES.—Any person claiming that any act or practice of any Bell operating company, affiliate, or separated affiliate constitutes a violation of this section may file a complaint with the Commission or bring suit as provided in section 207 of this Act, and such Bell operating company, affiliate, or separated affiliate shall be liable as provided in section 206 of this Act; except that damages may not be awarded for a violation that is discovered by a compliance review as required by subsection (b)(7) of this section and corrected within 90 days.

''(2) CEASE AND DESIST ORDERS.—In addition to the provisions of paragraph (1), any person claiming that any act or practice of any Bell operating company, affiliate, or separated affiliate constitutes a violation of this section may make application to the Commission for an order to cease and desist such violation or may make application in any district court of the United States of competent jurisdiction for an order enjoining such acts or practices or for an order compelling compliance with such requirement.

''(e) SEPARATED AFFILIATE REPORTING REQUIREMENT.—Any separated affiliate under this section shall file with the Commission annual reports in a form substantially equivalent to the Form 10–K required by regulations of the Securities and Exchange Commission.

''(f) EFFECTIVE DATES.—

''(1) TRANSITION.—Any electronic publishing service being offered to the public by a Bell operating company or affiliate on the date of enactment of this section shall have one year from such date of enactment to comply with the requirements of this section.

''(2) SUNSET.—The provisions of this section shall not apply to conduct occurring after June 30, 2000.

''(g) DEFINITION OF ELECTRONIC PUBLISHING.—

''(1) IN GENERAL.—The term 'electronic publishing' means the dissemination, provision, publication, or sale to an unaffiliated entity or person, of any one or more of the following: news (including sports); entertainment (other than interactive games); business, financial, legal, consumer, or credit materials; editorials, columns, or features; advertising; photos or images; archival or research material; legal notices or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other like or similar information.

''(2) EXCEPTIONS.—The term 'electronic publishing' shall not include the following services:

''(A) Information access, as that term is defined by the Modification of Final Judgment.

''(B) The transmission of information as a common carrier.

''(C) The transmission of information as part of a gateway to an information service that does not involve the generation or alteration of the content of information, including data transmission, address translation, protocol conversion, billing management, introductory information content, and navigational systems that enable users to access electronic publishing services, which do not affect the presentation of such electronic publishing services to users.

''(D) Voice storage and retrieval services, including voice messaging and electronic mail services.

''(E) Data processing or transaction processing services that do not involve the generation or alteration of the content of information.

''(F) Electronic billing or advertising of a Bell operating company's regulated telecommunications services.

''(G) Language translation or data format conversion.

''(H) The provision of information necessary for the management, control, or operation of a telephone company telecommunications system.

''(I) The provision of directory assistance that provides names, addresses, and telephone numbers and does not include advertising.

''(J) Caller identification services.

''(K) Repair and provisioning databases and credit card and billing validation for telephone company operations.

''(L) 911–E and other emergency assistance databases.

''(M) Any other network service of a type that is like or similar to these network services and that does not involve the generation or alteration of the content of information.

''(N) Any upgrades to these network services that do not involve the generation or alteration of the content of information.

''(O) Video programming or full motion video entertainment on demand.

''(h) ADDITIONAL DEFINITIONS.—As used in this section—

''(1) The term 'affiliate' means any entity that, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, a Bell operating company. Such term shall not include a separated affiliate.

''(2) The term 'basic telephone service' means wireline telephone exchange service provided by a Bell operating company in a telephone exchange area, except that such term does not include—

''(A) a competitive wireline telephone exchange service provided in a telephone exchange area where another entity provides a wireline telephone exchange service that was provided on January 1, 1984, and

''(B) a commercial mobile service.

''(3) The term 'basic telephone service information' means network and customer information of a Bell operating company and other information acquired by a Bell operating company as a result of its engaging in the provision of basic telephone service.

''(4) The term 'control' has the meaning that it has in 17 C.F.R. 240.12b–2, the regulations promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or any successor provision to such section.

''(5) The term 'electronic publishing joint venture' means a joint venture owned by a Bell operating company or affiliate that engages in the provision of electronic publishing which is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

''(6) The term 'entity' means any organization, and includes corporations, partnerships, sole proprietorships, associations, and joint ventures.

''(7) The term 'inbound telemarketing' means the marketing of property, goods, or services by telephone to a customer or potential customer who initiated the call.

''(8) The term 'own' with respect to an entity means to have a direct or indirect equity interest (or the equivalent thereof) of more than 10 percent of an entity, or the right to more than 10 percent of the gross revenues of an entity under a revenue sharing or royalty agreement.

''(9) The term 'separated affiliate' means a corporation under common ownership or control with a Bell operating company that does not own or control a Bell operating company and is not owned or controlled by a Bell operating company and that engages in the provision of electronic publishing which is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

''(10) The term 'Bell operating company' has the meaning provided in section 3, except that such term includes any entity or corporation that is owned or controlled by such a company (as so defined) but does not include an electronic publishing joint venture owned by such an entity or corporation.

"SEC. 273. ALARM MONITORING AND TELEMESSAGING SERVICES BY BELL OPERATING COMPANIES.

''(a) DELAYED ENTRY INTO ALARM MONITORING.—

''(1) PROHIBITION.—No Bell operating company or affiliate thereof shall engage in the provision of alarm monitoring services before the date which is 6 years after the date of enactment of this part.

''(2) EXISTING ACTIVITIES.—Paragraph (1) shall not apply to any provision of alarm monitoring services in which a Bell operating company or affiliate is lawfully engaged as of January 1, 1995, except that such Bell operating company or any affiliate may not acquire or otherwise obtain control of additional entities providing alarm monitoring services after such date.

''(b) NONDISCRIMINATION.—A common carrier engaged in the provision of alarm monitoring services or telemessaging services shall—

''(1) provide nonaffiliated entities, upon reasonable request, with the network services it provides to its own alarm monitoring or telemessaging operations, on nondiscriminatory terms and conditions; and

''(2) not subsidize its alarm monitoring services or its telemessaging services either directly or indirectly from telephone exchange service operations.

''(c) EXPEDITED CONSIDERATION OF COMPLAINTS.—The Commission shall establish procedures for the receipt and review of complaints concerning violations of subsection (b) or the regulations thereunder that result in material financial harm to a provider of alarm monitoring service or telemessaging service. Such procedures shall ensure that the Commission will make a final determination with respect to any such complaint within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, as determined by the Commission in accordance with such regulations, the Commission shall, within 60 days after receipt of the complaint, order the common carrier and its affiliates to cease engaging in such violation pending such final determination.

''(d) DEFINITIONS.—As used in this section:

''(1) ALARM MONITORING SERVICE.—The term 'alarm monitoring service' means a service that uses a device located at a residence, place of business, or other fixed premises—

''(A) to receive signals from other devices located at or about such premises regarding a possible threat at such premises to life, safety, or property, from burglary, fire, vandalism, bodily injury, or other emergency, and

''(B) to transmit a signal regarding such threat by means of transmission facilities of a Bell operating company or one of its affiliates to a remote monitoring center to alert a person at such center of the need to inform the customer or another person or police, fire, rescue, security, or public safety personnel of such threat,

but does not include a service that uses a medical monitoring device attached to an individual for the automatic surveillance of an ongoing medical condition.

''(2) TELEMESSAGING SERVICES.—The term 'telemessaging services' means voice mail and voice storage and retrieval services provided over telephone lines for telemessaging customers and any live operator services used to answer, record, transcribe, and relay messages (other than telecommunications relay services) from incoming telephone calls on behalf of the telemessaging customers (other than any service incidental to directory assistance).

"SEC. 274. PROVISION OF PAYPHONE SERVICE.

''(a) NONDISCRIMINATION SAFEGUARDS.—After the effective date of the rules prescribed pursuant to subsection (b), any Bell operating company that provides payphone service—

''(1) shall not subsidize its payphone service directly or indirectly with revenue from its telephone exchange service or its exchange access service; and

''(2) shall not prefer or discriminate in favor of it payphone service.

''(b) REGULATIONS.—

''(1) CONTENTS OF REGULATIONS.—In order to promote competition among payphone service providers and promote the widespread deployment of payphone services to the benefit of the general public, within 9 months after the date of enactment of this section, the Commission shall take all actions necessary (including any reconsideration) to prescribe regulations that—

''(A) establish a per call compensation plan to ensure that all payphone services providers are fairly compensated for each and every completed intrastate and interstate call using their payphone, except that emergency calls and telecommunications relay service calls for hearing disabled individuals shall not be subject to such compensation;

''(B) discontinue the intrastate and interstate carrier access charge payphone service elements and payments in effect on the date of enactment of this section, and all intrastate and interstate payphone subsidies from basic exchange and exchange access revenues, in favor of a compensation plan as specified in subparagraph (A);

''(C) prescribe a set of nonstructural safeguards for Bell operating company payphone service to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards shall, at a minimum, include the nonstructural safeguards equal to those adopted in the Computer Inquiry-III CC Docket No. 90–623 proceeding; and

''(D) provide for Bell operating company payphone service providers to have the same right that independent payphone providers have to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry interLATA calls from their payphones, and provide for all payphone service providers to have the right to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry intraLATA calls from their payphones.

''(2) PUBLIC INTEREST TELEPHONES.—In the rulemaking conducted pursuant to paragraph (1), the Commission shall determine whether public interest payphones, which are provided in the interest of public health, safety, and welfare, in locations where there would otherwise not be a payphone, should be maintained, and if so, ensure that such public interest payphones are supported fairly and equitably.

''(3) EXISTING CONTRACTS.—Nothing in this section shall affect any existing contracts between location providers and payphone service providers or interLATA or intraLATA carriers that are in force and effect as of the date of the enactment of this Act.

''(c) STATE PREEMPTION.—To the extent that any State requirements are inconsistent with the Commission's regulations, the Commission's regulations on such matters shall preempt State requirements.

''(d) DEFINITION.—As used in this section, the term 'payphone service' means the provision of public or semi-public pay telephones, the provision of inmate telephone service in correctional institutions, and any ancillary services.''.

SEC. 103. FORBEARANCE FROM REGULATION.

Part I of title II of the Act (as redesignated by section 101(c) of this Act) is amended by inserting after section 229 (47 U.S.C. 229) the following new section:

"SEC. 230. FORBEARANCE FROM REGULATION.

''(a) AUTHORITY TO FORBEAR.—The Commission shall forbear from applying any provision of this part or part II (other than sections 201, 202, 208, 243, and 248), or any regulation thereunder, to a common carrier or service, or class of carriers or services, in any or some of its or their geographic markets, if the Commission determines that—

''(1) enforcement of such provision or regulation is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that carrier or service are just and reasonable and are not unjustly or unreasonably discriminatory;

''(2) enforcement of such regulation or provision is not necessary for the protection of consumers; and

''(3) forbearance from applying such provision or regulation is consistent with the public interest.

''(b) COMPETITIVE EFFECT TO BE WEIGHED.—In making the determination under subsection (a)(3), the Commission shall consider whether forbearance from enforcing the provision or regulation will promote competitive market conditions, including the extent to which such forbearance will enhance competition among providers of telecommunications services. If the Commission determines that such forbearance will promote competition among providers of telecommunications services, that determination may be the basis for a Commission finding that forbearance is in the public interest.''.

SEC. 104. PRIVACY OF CUSTOMER INFORMATION.

(a) PRIVACY OF CUSTOMER PROPRIETARY NETWORK INFORMATION.—Title II of the Act is amended by inserting after section 221 (47 U.S.C. 221) the following new section:

"SEC. 222. PRIVACY OF CUSTOMER PROPRIETARY NETWORK INFORMATION.

''(a) SUBSCRIBER LIST INFORMATION.—Notwithstanding subsections (b), (c), and (d), a carrier that provides local exchange service shall provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format.

''(b) PRIVACY REQUIREMENTS FOR COMMON CARRIERS.—A carrier—

''(1) shall not, except as required by law or with the approval of the customer to which the information relates—

''(A) use customer proprietary network information in the provision of any service except to the extent necessary (i) in the provision of common carrier services, (ii) in the provision of a service necessary to or used in the provision of common carrier services, including the publishing of directories, or (iii) to continue to provide a particular information service that the carrier provided as of May 1, 1995, to persons who were customers of such service on that date;

''(B) use customer proprietary network information in the identification or solicitation of potential customers for any service other than the telephone exchange service or telephone toll service from which such information is derived;

''(C) use customer proprietary network information in the provision of customer premises equipment; or

''(D) disclose customer proprietary network information to any person except to the extent necessary to permit such person to provide services or products that are used in and necessary to the provision by such carrier of the services described in subparagraph (A);

''(2) shall disclose customer proprietary network information, upon affirmative written request by the customer, to any person designated by the customer;

''(3) shall, whenever such carrier provides any aggregate information, notify the Commission of the availability of such aggregate information and shall provide such aggregate information on reasonable terms and conditions to any other service or equipment provider upon reasonable request therefor; and

''(4) except for disclosures permitted by paragraph (1)(D), shall not unreasonably discriminate between affiliated and unaffiliated service or equipment providers in providing access to, or in the use and disclosure of, individual and aggregate information made available consistent with this subsection.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to prohibit the use or disclosure of customer proprietary network information as necessary—

''(1) to render, bill, and collect for the services identified in subsection (b)(1)(A);

''(2) to render, bill, and collect for any other service that the customer has requested;

''(3) to protect the rights or property of the carrier;

''(4) to protect users of any of those services and other carriers from fraudulent, abusive, or unlawful use of or subscription to such service; or

''(5) to provide any inbound telemarketing, referral, or administrative services to the customer for the duration of the call if such call was initiated by the customer and the customer approves of the use of such information to provide such service.

''(d) EXEMPTION PERMITTED.—The Commission may, by rule, exempt from the requirements of subsection (b) carriers that have, together with any affiliated carriers, in the aggregate nationwide, fewer than 500,000 access lines installed if the Commission determines that such exemption is in the public interest or if compliance with the requirements would impose an undue economic burden on the carrier.

''(e) DEFINITIONS.—As used in this section:

''(1) CUSTOMER PROPRIETARY NETWORK INFORMATION.—The term 'customer proprietary network information' means—

''(A) information which relates to the quantity, technical configuration, type, destination, and amount of use of telephone exchange service or telephone toll service subscribed to by any customer of a carrier, and is made available to the carrier by the customer solely by virtue of the carrier-customer relationship;

''(B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; and

''(C) such other information concerning the customer as is available to the local exchange carrier by virtue of the customer's use of the carrier's telephone exchange service or telephone toll services, and specified as within the definition of such term by such rules as the Commission shall prescribe consistent with the public interest;

except that such term does not include subscriber list information.

''(2) SUBSCRIBER LIST INFORMATION.—The term 'subscriber list information' means any information—

''(A) identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and

''(B) that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

''(3) AGGREGATE INFORMATION.—The term 'aggregate information' means collective data that relates to a group or category of services or customers, from which individual customer identities and characteristics have been removed.''.

(b) CONVERGING COMMUNICATIONS TECHNOLOGIES AND CONSUMER PRIVACY.—

(1) COMMISSION EXAMINATION.—Within one year after the date of enactment of this Act, the Commission shall commence a proceeding—

(A) to examine the impact of the integration into interconnected communications networks of wireless telephone, cable, satellite, and other technologies on the privacy rights and remedies of the consumers of those technologies;

(B) to examine the impact that the globalization of such integrated communications networks has on the international dissemination of consumer information and the privacy rights and remedies to protect consumers;

(C) to propose changes in the Commission's regulations to ensure that the effect on consumer privacy rights is considered in the introduction of new telecommunications services and that the protection of such privacy rights is incorporated as necessary in the design of such services or the rules regulating such services;

(D) to propose changes in the Commission's regulations as necessary to correct any defects identified pursuant to subparagraph (A) in such rights and remedies; and

(E) to prepare recommendations to the Congress for any legislative changes required to correct such defects.

(2) SUBJECTS FOR EXAMINATION.—In conducting the examination required by paragraph (1), the Commission shall determine whether consumers are able, and, if not, the methods by which consumers may be enabled—

(A) to have knowledge that consumer information is being collected about them through their utilization of various communications technologies;

(B) to have notice that such information could be used, or is intended to be used, by the entity collecting the data for reasons unrelated to the original communications, or that such information could be sold (or is intended to be sold) to other companies or entities; and

(C) to stop the reuse or sale of that information.

(3) SCHEDULE FOR COMMISSION RESPONSES.—The Commission shall, within 18 months after the date of enactment of this Act—

(A) complete any rulemaking required to revise Commission regulations to correct defects in such regulations identified pursuant to paragraph (1); and

(B) submit to the Congress a report containing the recommendations required by paragraph (1)(C).

SEC. 105. POLE ATTACHMENTS.

Section 224 of the Act (47 U.S.C. 224) is amended—

(1) in subsection (a)(4)—

(A) by inserting after ''system'' the following: ''or a provider of telecommunications service''; and

(B) by inserting after ''utility'' the following: '', which attachment may be used by such entities to provide cable service or any telecommunications service'';

(2) in subsection (c)(2)(B), by striking ''cable television services'' and inserting ''the services offered via such attachments'';

(3) by redesignating subsection (d)(2) as subsection (d)(4); and

(4) by striking subsection (d)(1) and inserting the following:

''(d)(1) For purposes of subsection (b) of this section, the Commission shall, no later than 1 year after the date of enactment of the Communications Act of 1995, prescribe regulations for ensuring that utilities charge just and reasonable and nondiscriminatory rates for pole attachments provided to all providers of telecommunications services, including such attachments used by cable television systems to provide telecommunications services (as defined in section 3 of this Act). Such regulations shall—

''(A) recognize that the entire pole, duct, conduit, or right-of-way other than the usable space is of equal benefit all entities attaching to the pole and therefore apportion the cost of the

space other than the usable space equally among all such attachments;

''(B) recognize that the usable space is of proportional benefit to all entities attaching to the pole, duct, conduit or right-of-way and therefore apportion the cost of the usable space according to the percentage of usable space required for each entity; and

''(C) allow for reasonable terms and conditions relating to health, safety, and the provision of reliable utility service.

''(2) The final regulations prescribed by the Commission pursuant to paragraph (1) shall not apply to a cable television system that solely provides cable service as defined in section 602(6) of this Act; instead, the pole attachment rate for such systems shall assure a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percentage of the total usable space, or the percentage of the total duct or conduit capacity, which is occupied by the pole attachment by the sum of the operating expenses and actual capital costs of the utility attributable to the entire pole, duct, conduit, or right-of-way.

''(3) Whenever the owner of a conduit or right-of-way intends to modify or alter such conduit or right-of-way, the owner shall provide written notification of such action to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such conduit or right-of-way accessible.''.

SEC. 106. PREEMPTION OF FRANCHISING AUTHORITY REGULATION OF TELECOMMUNICATIONS SERVICES.

(a) TELECOMMUNICATIONS SERVICES.—Section 621(b) of the Act (47 U.S.C. 541(c)) is amended by adding at the end thereof the following new paragraph:

''(3)(A) To the extent that a cable operator or affiliate thereof is engaged in the provision of telecommunications services—

''(i) such cable operator or affiliate shall not be required to obtain a franchise under this title; and

''(ii) the provisions of this title shall not apply to such cable operator or affiliate.

''(B) A franchising authority may not impose any requirement that has the purpose or effect of prohibiting, limiting, restricting, or conditioning the provision of a telecommunications service by a cable operator or an affiliate thereof.

''(C) A franchising authority may not order a cable operator or affiliate thereof—

''(i) to discontinue the provision of a telecommunications service, or

''(ii) to discontinue the operation of a cable system, to the extent such cable system is used for the provision of a telecommunications service, by reason of the failure of such cable operator or affiliate thereof to obtain a franchise or franchise renewal under this title with respect to the provision of such telecommunications service.

''(D) A franchising authority may not require a cable operator to provide any telecommunications service or facilities as a condition of the initial grant of a franchise or a franchise renewal.''.

(b) FRANCHISE FEES.—Section 622(b) of the Act (47 U.S.C. 542(b)) is amended by inserting ''to provide cable services'' immediately before the period at the end of the first sentence thereof.

SEC. 107. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) of the Act (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

''(7) FACILITIES SITING POLICIES.—(A) Within 180 days after enactment of this paragraph, the Commission shall prescribe and make effective a policy regarding State and local regulation of the placement, construction, modification, or operation of facilities for the provision of commercial mobile services.

''(B) Pursuant to subchapter III of chapter 5, title 5, United States Code, the Commission shall establish a negotiated rulemaking committee to negotiate and develop a proposed policy to comply with the requirements of this paragraph. Such committee shall include representatives from State and local governments, affected industries, and public safety agencies. In negotiating and developing such a policy, the committee shall take into account—

''(i) the desirability of enhancing the coverage and quality of commercial mobile services and fostering competition in the provision of such services;

''(ii) the legitimate interests of State and local governments in matters of exclusively local concern;

''(iii) the effect of State and local regulation of facilities siting on interstate commerce; and

''(iv) the administrative costs to State and local governments of reviewing requests for authorization to locate facilities for the provision of commercial mobile services.

''(C) The policy prescribed pursuant to this paragraph shall ensure that—

''(i) regulation of the placement, construction, and modification of facilities for the provision of commercial mobile services by any State or local government or instrumentality thereof—

''(I) is reasonable, nondiscriminatory, and limited to the minimum necessary to accomplish the State or local government's legitimate purposes; and

''(II) does not prohibit or have the effect of precluding any commercial mobile service; and

''(ii) a State or local government or instrumentality thereof shall act on any request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services within a reasonable period of time after the request is fully filed with such government or instrumentality; and

''(iii) any decision by a State or local government or instrumentality thereof to deny a request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services shall be in writing and shall be supported by substantial evidence contained in a written record.

''(D) The policy prescribed pursuant to this paragraph shall provide that no State or local government or any instrumentality thereof may regulate the placement, construction, modification, or operation of such facilities on the basis of the environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission's regulations concerning such emissions.

''(E) In accordance with subchapter III of chapter 5, title 5, United States Code, the Commission shall periodically establish a negotiated rulemaking committee to review the policy prescribed by the Commission under this paragraph and to recommend revisions to such policy.''.

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93–62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the Commission shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications facilities by duly licensed providers of telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable cost-based fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

SEC. 108. MOBILE SERVICE ACCESS TO LONG DISTANCE CARRIERS.

(a) AMENDMENT.—Section 332(c) of the Act (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

''(8) MOBILE SERVICES ACCESS.—(A) The Commission shall prescribe regulations to afford subscribers of two-way switched voice commercial mobile radio services access to a provider of telephone toll service of the subscriber's choice, except to the extent that the commercial mobile radio service is provided by satellite. The Commission may exempt carriers or classes of carriers from the requirements of such regulations to the extent the Commission determines such exemption is consistent with the public interest, convenience, and necessity. For purposes of this paragraph, 'access' shall mean access to a provider of telephone toll service through the use of carrier identification codes assigned to each such provider.

''(B) The regulations prescribed by the Commission pursuant to subparagraph (A) shall supersede any inconsistent requirements imposed by the Modification of Final Judgment or any order in United States v. AT&T Corp. and McCaw Cellular Communications, Inc., Civil Action No. 94–01555 (United States District Court, District of Columbia).''.

(b) EFFECTIVE DATE CONFORMING AMENDMENT.—Section 6002(c)(2)(B) of the Omnibus Budget Reconciliation Act of 1993 is amended by striking ''section 332(c)(6)'' and inserting ''paragraphs (6) and (8) of section 332(c)''.

SEC. 109. FREEDOM FROM TOLL FRAUD.

(a) AMENDMENT.—Section 228(c) of the Act (47 U.S.C. 228(c)) is amended—

(1) by striking subparagraph (C) of paragraph (7) and inserting the following:

''(C) the calling party being charged for information conveyed during the call unless—

''(i) the calling party has a written subscription agreement with the information provider that meets the requirements of paragraph (8); or

''(ii) the calling party is charged in accordance with paragraph (9); or''; and

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

''(8) SUBSCRIPTION AGREEMENTS FOR BILLING FOR INFORMATION PROVIDED VIA TOLL-FREE CALLS.—

''(A) IN GENERAL.—For purposes of paragraph (7)(C)(i), a written subscription agreement shall specify the terms and conditions under which the information is offered and include—

''(i) the rate at which charges are assessed for the information;

''(ii) the information provider's name;

''(iii) the information provider's business address;

''(iv) the information provider's regular business telephone number;

''(v) the information provider's agreement to notify the subscriber at least 30 days in advance of all future changes in the rates charged for the information;

''(vi) the signature of a legally competent subscriber agreeing to the terms of the agreement; and

''(vii) the subscriber's choice of payment method, which may be by phone bill or credit, prepaid, or calling card.

''(B) BILLING ARRANGEMENTS.—If a subscriber elects, pursuant to subparagraph (A)(vii), to pay by means of a phone bill—

''(i) the agreement shall clearly explain that the subscriber will be assessed for calls made to the information service from the subscriber's phone line;

''(ii) the phone bill shall include, in prominent type, the following disclaimer:

'Common carriers may not disconnect local or long distance telephone service for failure to pay disputed charges for information services.'; and

''(iii) the phone bill shall clearly list the 800 number dialed.

''(C) USE OF PIN'S TO PREVENT UNAUTHORIZED USE.—A written agreement does not meet the requirements of this paragraph unless it provides the subscriber a personal identification number to obtain access to the information provided, and includes instructions on its use.

''(D) EXCEPTIONS.—Notwithstanding paragraph (7)(C), a written agreement that meets the requirements of this paragraph is not required—

''(i) for services provided pursuant to a tariff that has been approved or permitted to take effect by the Commission or a State commission; or

''(ii) for any purchase of goods or of services that are not information services.

''(E) TERMINATION OF SERVICE.—On complaint by any person, a carrier may terminate the provision of service to an information provider unless the provider supplies evidence of a written agreement that meets the requirements of this section. The remedies provided in this paragraph are in addition to any other remedies that are available under title V of this Act.

''(9) CHARGES BY CREDIT, PREPAID, OR CALLING CARD IN ABSENCE OF AGREEMENT.—For purposes of paragraph (7)(C)(ii), a calling party is not charged in accordance with this paragraph unless the calling party is charged by means of a credit, prepaid, or calling card and the information service provider includes in response to each call an introductory disclosure message that—

''(A) clearly states that there is a charge for the call;

''(B) clearly states the service's total cost per minute and any other fees for the service or for any service to which the caller may be transferred;

''(C) explains that the charges must be billed on either a credit, prepaid, or calling card;

''(D) asks the caller for the credit or calling card number;

''(E) clearly states that charges for the call begin at the end of the introductory message; and

''(F) clearly states that the caller can hang up at or before the end of the introductory message without incurring any charge whatsoever.

''(10) DEFINITION OF CALLING CARD.—As used in this subsection, the term 'calling card' means an identifying number or code unique to the individual, that is issued to the individual by a common carrier and enables the individual to be charged by means of a phone bill for charges incurred independent of where the call originates.''.

(b) REGULATIONS.—The Federal Communications Commission shall revise its regulations to comply with the amendment made by subsection (a) of this section within 180 days after the date of enactment of this Act.

SEC. 110. REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.

(a) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary and Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and Commerce of the House of Representatives a report containing—

(1) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(2) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(3) an evaluation of the technical means available—

(A) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(B) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(C) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(4) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in subparagraphs (A) and (B) of paragraph (3).

(b) CONSULTATION.—In preparing the report under subsection (a), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any other sums authorized by law, there are authorized to be appropriated to the Federal Communications Commission such sums as may be necessary to carry out this Act and the amendments made by this Act.

(b) EFFECT ON FEES.—For the purposes of section 9(b)(2) of the Act (47 U.S.C. 159(b)(2)), additional amounts appropriated pursuant to subsection (a) shall be construed to be changes in the amounts appropriated for the performance of activities described in section 9(a) of such Act.

TITLE II—CABLE COMMUNICATIONS COMPETITIVENESS

SEC. 201. CABLE SERVICE PROVIDED BY TELEPHONE COMPANIES.

(a) GENERAL REQUIREMENT.—

(1) AMENDMENT.—Section 613(b) of the Act (47 U.S.C. 533(b)) is amended to read as follows:

''(b)(1) Subject to the requirements of part V and the other provisions of this title, any common carrier subject in whole or in part to title II of this Act may, either through its own facilities or through an affiliate, provide video programming directly to subscribers in its telephone service area.

''(2) Subject to the requirements of part V and the other provisions of this title, any common carrier subject in whole or in part to title II of this Act may provide channels of communications or pole, line, or conduit space, or other rental arrangements, to any entity which is directly or indirectly owned, operated, or controlled by, or under common control with, such common carrier, if such facilities or arrangements are to be used for, or in connection with, the provision of video programming directly to subscribers in its telephone service area.

''(3)(A) Notwithstanding paragraphs (1) and (2), an affiliate described in subparagraph (B) shall not be subject to the requirements of part V, but—

''(i) if providing video programming as a cable service using a cable system, shall be subject to the requirements of this part and parts III and IV; and

''(ii) if providing such video programming by means of radio communication, shall be subject to the requirements of title III.

''(B) For purposes of subparagraph (A), an affiliate is described in this subparagraph if such affiliate—

''(i) is, consistently with section 655, owned, operated, or controlled by, or under common control with, a common carrier subject in whole or in part to title II of this Act;

''(ii) provides video programming to subscribers in the telephone service area of such carrier; and

''(iii) does not utilize the local exchange facilities or services of any affiliated common carrier in distributing such programming.''.

(2) CONFORMING AMENDMENT.—Section 602 of the Act (47 U.S.C. 531) is amended—

(A) by redesignating paragraphs (18) and (19) as paragraphs (19) and (20) respectively; and

(B) by inserting after paragraph (17) the following new paragraph:

''(18) the term 'telephone service area' when used in connection with a common carrier subject in whole or in part to title II of this Act means the area within which such carrier provides telephone exchange service as of January 1, 1993, but if any common carrier after such date transfers its exchange service facilities to another common carrier, the area to which such facilities provide telephone exchange service shall be treated as part of the telephone service area of the acquiring common carrier and not of the selling common carrier;''.

(b) PROVISIONS FOR REGULATION OF CABLE SERVICE PROVIDED BY TELEPHONE COMPANIES.—Title VI of the Act (47 U.S.C. 521 et seq.) is amended by adding at the end the following new part:

''PART V—VIDEO PROGRAMMING SERVICES PROVIDED BY TELEPHONE COMPANIES

''SEC. 651. DEFINITIONS.

''For purposes of this part—

''(1) the term 'control' means—

''(A) an ownership interest in which an entity has the right to vote more than 50 percent of the outstanding common stock or other ownership interest; or

''(B) if no single entity directly or indirectly has the right to vote more than 50 percent of the outstanding common stock or other ownership interest, actual working control, in whatever manner exercised, as defined by the Commission by regulation on the basis of relevant factors and circumstances, which shall include partnership and direct ownership interests, voting stock interests, the interests of officers and directors, and the aggregation of voting interests; and

''(2) the term 'rural area' means a geographic area that does not include either—

''(A) any incorporated or unincorporated place of 10,000 inhabitants or more, or any part thereof; or

''(B) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census.

''SEC. 652. SEPARATE VIDEO PROGRAMMING AFFILIATE.

''(a) IN GENERAL.—Except as provided in subsection (d) of this section and section 613(b)(3), a common carrier subject to title II of this Act shall not provide video programming directly to subscribers in its telephone service area unless such video programming is provided through a video programming affiliate that is separate from such carrier.

''(b) BOOKS AND MARKETING.—

''(1) IN GENERAL.—A video programming affiliate of a common carrier shall—

''(A) maintain books, records, and accounts separate from such carrier which identify all transactions with such carrier;

''(B) carry out directly (or through any nonaffiliated person) its own promotion, except that institutional advertising carried out by such carrier shall be permitted so long as each party bears its pro rata share of the costs; and

''(C) not own real or personal property in common with such carrier.

''(2) INBOUND TELEMARKETING AND REFERRAL.—Notwithstanding paragraph (1)(B), a common carrier may provide telemarketing or referral services in response to the call of a customer or potential customer related to the provision of video programming by a video programming affiliate of such carrier. If such services

are provided to a video programming affiliate, such services shall be made available to any video programmer or cable operator on request, on nondiscriminatory terms, at just and reasonable prices.

''(3) JOINT MARKETING.—Notwithstanding paragraph (1)(B) or section 613(b)(3), a common carrier may market video programming directly upon a showing to the Commission that a cable operator or other entity directly or indirectly provides telecommunications services within the telephone service area of the common carrier, and markets such telecommunications services jointly with video programming services. The common carrier shall specify the geographic region covered by the showing. The Commission shall approve or disapprove such showing within 60 days after the date of its submission.

''(c) BUSINESS TRANSACTIONS WITH CARRIER.—Any contract, agreement, arrangement, or other manner of conducting business, between a common carrier and its video programming affiliate, providing for—

''(1) the sale, exchange, or leasing of property between such affiliate and such carrier,

''(2) the furnishing of goods or services between such affiliate and such carrier, or

''(3) the transfer to or use by such affiliate for its benefit of any asset or resource of such carrier,

shall be on a fully compensatory and auditable basis, shall be without cost to the telephone service ratepayers of the carrier, and shall be in compliance with regulations established by the Commission that will enable the Commission to assess the compliance of any transaction.

''(d) WAIVER.—

''(1) CRITERIA FOR WAIVER.—The Commission may waive any of the requirements of this section for small telephone companies or telephone companies serving rural areas, if the Commission determines, after notice and comment, that—

''(A) such waiver will not affect the ability of the Commission to ensure that all video programming activity is carried out without any support from telephone ratepayers;

''(B) the interests of telephone ratepayers and cable subscribers will not be harmed if such waiver is granted;

''(C) such waiver will not adversely affect the ability of persons to obtain access to the video platform of such carrier; and

''(D) such waiver otherwise is in the public interest.

''(2) DEADLINE FOR ACTION.—The Commission shall act to approve or disapprove a waiver application within 180 days after the date it is filed.

''(3) CONTINUED APPLICABILITY OF SECTION 656.—In the case of a common carrier that obtains a waiver under this subsection, any requirement that section 656 applies to a video programming affiliate shall instead apply to such carrier.

''(e) SUNSET OF REQUIREMENTS.—The provisions of this section shall cease to be effective on July 1, 2000.

"SEC. 653. ESTABLISHMENT OF VIDEO PLATFORM.

''(a) VIDEO PLATFORM.—

''(1) IN GENERAL.—Except as provided in section 613(b)(3), any common carrier subject to title II of this Act, and that provides video programming directly to subscribers in its telephone service area, shall establish a video platform. This paragraph shall not apply to any carrier to the extent that it provides video programming directly to subscribers in its telephone service area solely through a cable system acquired in accordance with section 655(b).

''(2) IDENTIFICATION OF DEMAND FOR CARRIAGE.—Any common carrier subject to the requirements of paragraph (1) shall, prior to establishing a video platform, submit a notice to the Commission of its intention to establish channel capacity for the provision of video programming to meet the bona fide demand for such capacity. Such notice shall—

''(A) be in such form and contain information concerning the geographic area intended to be served and such information as the Commission may require by regulations pursuant to subsection (b);

''(B) specify the methods by which any entity seeking to use such channel capacity should submit to such carrier a specification of its channel capacity requirements; and

''(C) specify the procedures by which such carrier will determine (in accordance with the Commission's regulations under subsection (b)(1)(B)) whether such requests for capacity are bona fide.

The Commission shall submit any such notice for publication in the Federal Register within 5 working days.

''(3) RESPONSE TO REQUEST FOR CARRIAGE.—After receiving and reviewing the requests for capacity submitted pursuant to such notice, such common carrier shall establish channel capacity that is sufficient to provide carriage for—

''(A) all bona fide requests submitted pursuant to such notice,

''(B) any additional channels required pursuant to section 656, and

''(C) any additional channels required by the Commission's regulations under subsection (b)(1)(C).

''(4) RESPONSES TO CHANGES IN DEMAND FOR CAPACITY.—Any common carrier that establishes a video platform under this section shall—

''(A) immediately notify the Commission and each video programming provider of any delay in or denial of channel capacity or service, and the reasons therefor;

''(B) continue to receive and grant, to the extent of available capacity, carriage in response to bona fide requests for carriage from existing or additional video programming providers;

''(C) if at any time the number of channels required for bona fide requests for carriage may reasonably be expected soon to exceed the existing capacity of such video platform, immediately notify the Commission of such expectation and of the manner and date by which such carrier will provide sufficient capacity to meet such excess demand; and

''(D) construct such additional capacity as may be necessary to meet such excess demand.

''(5) DISPUTE RESOLUTION.—The Commission shall have the authority to resolve disputes under this section and the regulations prescribed thereunder. Any such dispute shall be resolved within 180 days after notice of such dispute is submitted to the Commission. At that time or subsequently in a separate damages proceeding, the Commission may award damages sustained in consequence of any violation of this section to any person denied carriage, or require carriage, or both. Any aggrieved party may seek any other remedy available under this Act.

''(b) COMMISSION ACTIONS.—

''(1) IN GENERAL.—Within 15 months after the date of the enactment of this section, the Commission shall complete all actions necessary (including any reconsideration) to prescribe regulations that—

''(A) consistent with the requirements of section 656, prohibit a common carrier from discriminating among video programming providers with regard to carriage on its video platform, and ensure that the rates, terms, and conditions for such carriage are just, reasonable, and nondiscriminatory;

''(B) prescribe definitions and criteria for the purposes of determining whether a request shall be considered a bona fide request for purposes of this section;

''(C) permit a common carrier to carry on only one channel any video programming service that is offered by more than one video programming provider (including the common carrier's video programming affiliate), provided that subscribers have ready and immediate access to any such video programming service;

''(D) extend to the distribution of video programming over video platforms the Commission's regulations concerning network nonduplication (47 C.F.R. 76.92 et seq.) and syndicated exclusivity (47 C.F.R. 76.151 et seq.);

''(E) require the video platform to provide service, transmission, and interconnection for unaffiliated or independent video programming providers that is equivalent to that provided to the common carrier's video programming affiliate, except that the video platform shall not discriminate between analog and digital video programming offered by such unaffiliated or independent video programming providers;

''(F)(i) prohibit a common carrier from unreasonably discriminating in favor of its video programming affiliate with regard to material or information provided by the common carrier to subscribers for the purposes of selecting programming on the video platform, or in the way such material or information is presented to subscribers;

''(ii) require a common carrier to ensure that video programming providers or copyright holders (or both) are able suitably and uniquely to identify their programming services to subscribers; and

''(iii) if such identification is transmitted as part of the programming signal, require the carrier to transmit such identification without change or alteration; and

''(G) prohibit a common carrier from excluding areas from its video platform service area on the basis of the ethnicity, race, or income of the residents of that area, and provide for public comments on the adequacy of the proposed service area on the basis of the standards set forth under this subparagraph.

Nothing in this section prohibits a common carrier or its affiliate from negotiating mutually agreeable terms and conditions with over-the-air broadcast stations and other unaffiliated video programming providers to allow consumer access to their signals on any level or screen of any gateway, menu, or other program guide, whether provided by the carrier or its affiliate.

''(2) APPLICABILITY TO OTHER HIGH CAPACITY SYSTEMS.—The Commission shall apply the requirements of this section, in lieu of the requirements of section 612, to any cable operator of a cable system that has installed a switched, broadband video programming delivery system, except that the Commission shall not apply the requirements of the regulations prescribed pursuant to subsection (b)(1)(D) or any other requirement that the Commission determines is inappropriate.

''(c) REGULATORY STREAMLINING.—With respect to the establishment and operation of a video platform, the requirements of this section shall apply in lieu of, and not in addition to, the requirements of title II.

''(d) COMMISSION INQUIRY.—The Commission shall conduct a study of whether it is in the public interest to extend the requirements of subsection (a) to any other cable operators in lieu of the requirements of section 612. The Commission shall submit to the Congress a report on the results of such study not later than 2 years after the date of enactment of this section.

"SEC. 654. AUTHORITY TO PROHIBIT CROSS-SUBSIDIZATION.

''Nothing in this part shall prohibit a State commission that regulates the rates for telephone exchange service or exchange access based on the cost of providing such service or access from—

''(1) prescribing regulations to prohibit a common carrier from engaging in any practice that results in the inclusion in rates for telephone exchange service or exchange access of any operating expenses, costs, depreciation charges, capital investments, or other expenses directly associated with the provision of competing video programming services by the common carrier or affiliate; or

''(2) ensuring such competing video programming services bear a reasonable share of the joint and common costs of facilities used to provide telephone exchange service or exchange access and competing video programming services.

"SEC. 655. PROHIBITION ON BUY OUTS.

''(a) GENERAL PROHIBITION.—No common carrier that provides telephone exchange service, and no entity owned by or under common ownership or control with such carrier, may purchase or otherwise obtain control over any cable system that is located within its telephone service area and is owned by an unaffiliated person.

''(b) EXCEPTIONS.—Notwithstanding subsection (a), a common carrier may—

''(1) obtain a controlling interest in, or form a joint venture or other partnership with, a cable system that serves a rural area;

''(2) obtain, in addition to any interest, joint venture, or partnership obtained or formed pursuant to paragraph (1), a controlling interest in, or form a joint venture or other partnership with, any cable system or systems if—

''(A) such systems in the aggregate serve less than 10 percent of the households in the telephone service area of such carrier; and

''(B) no such system serves a franchise area with more than 35,000 inhabitants, except that a common carrier may obtain such interest or form such joint venture or other partnership with a cable system that serves a franchise area with more than 35,000 but not more than 50,000 inhabitants if such system is not affiliated with any other system whose franchise area is contiguous to the franchise area of the acquired system;

''(3) obtain, with the concurrence of the cable operator on the rates, terms, and conditions, the use of that part of the transmission facilities of such a cable system extending from the last multi-user terminal to the premises of the end user, if such use is reasonably limited in scope and duration, as determined by the Commission; or

''(4) obtain a controlling interest in, or form a joint venture or other partnership with, or provide financing to, a cable system (hereinafter in this paragraph referred to as 'the subject cable system'), if—

''(A) the subject cable system operates in a television market that is not in the top 25 markets, and that has more than 1 cable system operator, and the subject cable system is not the largest cable system in such television market;

''(B) the subject cable system and the largest cable system in such television market held on May 1, 1995, cable television franchises from the largest municipality in the television market and the boundaries of such franchises were identical on such date;

''(C) the subject cable system is not owned by or under common ownership or control of any one of the 50 largest cable system operators as existed on May 1, 1995; and

''(D) the largest system in the television market is owned by or under common ownership or control of any one of the 10 largest cable system operators as existed on May 1, 1995.

''(c) WAIVER.—

''(1) CRITERIA FOR WAIVER.—The Commission may waive the restrictions in subsection (a) of this section only upon a showing by the applicant that—

''(A) because of the nature of the market served by the cable system concerned—

''(i) the incumbent cable operator would be subjected to undue economic distress by the enforcement of such subsection; or

''(ii) the cable system would not be economically viable if such subsection were enforced; and

''(B) the local franchising authority approves of such waiver.

''(2) DEADLINE FOR ACTION.—The Commission shall act to approve or disapprove a waiver application within 180 days after the date it is filed.

"SEC. 656. APPLICABILITY OF PARTS I THROUGH IV.

''(a) IN GENERAL.—Any provision that applies to a cable operator under—

''(1) sections 613 (other than subsection (a)(2) thereof), 616, 617, 628, 631, 632, and 634 of this title, shall apply,

''(2) sections 611, 612, 614, and 615 of this title, and section 325 of title III, shall apply in accordance with the regulations prescribed under subsection (b), and

''(3) parts III and IV (other than sections 628, 631, 632, and 634) of this title shall not apply,

to any video programming affiliate established by a common carrier in accordance with the requirements of this part.

''(b) IMPLEMENTATION.—

''(1) COMMISSION ACTION.—The Commission shall prescribe regulations to ensure that a common carrier in the operation of its video platform shall provide (A) capacity, services, facilities, and equipment for public, educational, and governmental use, (B) capacity for commercial use, (C) carriage of commercial and non-commercial broadcast television stations, and (D) an opportunity for commercial broadcast stations to choose between mandatory carriage and reimbursement for retransmission of the signal of such station. In prescribing such regulations, the Commission shall, to the extent possible, impose obligations that are no greater or lesser than the obligations contained in the provisions described in subsection (a)(2) of this section.

''(2) FEES.—A video programming affiliate of any common carrier that establishes a video platform under this part, and any multichannel video programming distributor offering a competing service using such video platform (as determined in accordance with regulations of the Commission), shall be subject to the payment of fees imposed by a local franchising authority, in lieu of the fees required under section 622. The rate at which such fees are imposed shall not exceed the rate at which franchise fees are imposed on any cable operator transmitting video programming in the same service area.

"SEC. 657. RURAL AREA EXEMPTION.

''The provisions of sections 652, 653, and 655 shall not apply to video programming provided in a rural area by a common carrier that provides telephone exchange service in the same area.''.

SEC. 202. COMPETITION FROM CABLE SYSTEMS.

(a) DEFINITION OF CABLE SERVICE.—Section 602(6)(B) of the Act (47 U.S.C. 522(6)(B)) is amended by inserting ''or use'' after ''the selection''.

(b) CLUSTERING.—Section 613 of the Act (47 U.S.C. 533) is amended by adding at the end the following new subsection:

''(i) ACQUISITION OF CABLE SYSTEMS.—Except as provided in section 655, the Commission may not require divestiture of, or restrict or prevent the acquisition of, an ownership interest in a cable system by any person based in whole or in part on the geographic location of such cable system.''.

(c) EQUIPMENT.—Section 623(a) of the Act (47 U.S.C. 543(a)) is amended—

(1) in paragraph (6)—

(A) by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)''; and

(C) by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) EQUIPMENT.—If the Commission finds that a cable system is subject to effective competition under subparagraph (D) of subsection (l)(1), the rates for equipment, installations, and connections for additional television receivers (other than equipment, installations, and connections furnished by such system to subscribers who receive only a rate regulated basic service tier) shall not be subject to regulation by the Commission or by a State or franchising authority. If the Commission finds that a cable system is subject to effective competition under subparagraph (A), (B), or (C) of subsection (l)(1), the rates for any equipment, installations, and connections furnished by such system to any subscriber shall not be subject to regulation by the Commission, or by a State or franchising authority. No Federal agency, State, or franchising authority may establish the price or rate for the installation, sale, or lease of any equipment furnished to any subscriber by a cable system solely in connection with video programming offered on a per channel or per program basis.''.

(d) LIMITATION ON BASIC TIER RATE INCREASES; SCOPE OF REVIEW.—Section 623(a) of the Act (47 U.S.C. 543(a)) is further amended by adding at the end the following new paragraph:

''(8) LIMITATION ON BASIC TIER RATE INCREASES; SCOPE OF REVIEW.—A cable operator may not increase its basic service tier rate more than once every 6 months. Such increase may be implemented, using any reasonable billing or proration method, 30 days after providing notice to subscribers and the appropriate regulatory authority. The rate resulting from such increase shall be deemed reasonable and shall not be subject to reduction or refund if the franchising authority or the Commission, as appropriate, does not complete its review and issue a final order within 90 days after implementation of such increase. The review by the franchising authority or the Commission of any future increase in such rate shall be limited to the incremental change in such rate effected by such increase.''.

(e) NATIONAL INFORMATION INFRASTRUCTURE DEVELOPMENT.—Section 623(a) of the Act (47 U.S.C. 543) is further amended by adding at the end the following new paragraph:

''(9) NATIONAL INFORMATION INFRASTRUCTURE.—

''(A) PURPOSE.—It is the purpose of this paragraph to—

''(i) promote the development of the National Information Infrastructure;

''(ii) enhance the competitiveness of the National Information Infrastructure by ensuring that cable operators have incentives comparable to other industries to develop such infrastructure; and

''(iii) encourage the rapid deployment of digital technology necessary to the development of the National Information Infrastructure.

''(B) AGGREGATION OF EQUIPMENT COSTS.—The Commission shall allow cable operators, pursuant to any rules promulgated under subsection (b)(3), to aggregate, on a franchise, system, regional, or company level, their equipment costs into broad categories, such as converter boxes, regardless of the varying levels of functionality of the equipment within each such broad category. Such aggregation shall not be permitted with respect to equipment used by subscribers who receive only a rate regulated basic service tier.

''(C) REVISION TO COMMISSION RULES; FORMS.—Within 120 days of the date of enactment of this paragraph, the Commission shall issue revisions to the appropriate rules and forms necessary to implement subparagraph (B).''.

(f) COMPLAINT THRESHOLD; SCOPE OF COMMISSION REVIEW.—Section 623(c) of the Act (47 U.S.C. 543(c)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) REVIEW OF COMPLAINTS.—

''(A) COMPLAINT THRESHOLD.—The Commission shall have the authority to review any increase in the rates for cable programming services implemented after the date of enactment of the Communications Act of 1995 only if, within 90 days after such increase becomes effective, at least 10 subscribers to such services or 5 percent of the subscribers to such services, whichever is greater, file separate, individual complaints against such increase with the Commission in accordance with the requirements established under paragraph (1)(B).

''(B) TIME PERIOD FOR COMMISSION REVIEW.—The Commission shall complete its review of any such increase and issue a final order within 90

days after it receives the number of complaints required by subparagraph (A).

''(4) TREATMENT OF PENDING CABLE PROGRAMMING SERVICES COMPLAINTS.—Upon enactment of the Communications Act of 1995, the Commission shall suspend the processing of all pending cable programming services rate complaints. These pending complaints shall be counted by the Commission toward the complaint threshold specified in paragraph (3)(A). Parties shall have an additional 90 days from the date of enactment of such Act to file complaints about prior increases in cable programming services rates if such rate increases were already subject to a valid, pending complaint on such date of enactment. At the expiration of such 90-day period, the Commission shall dismiss all pending cable programming services rate cases for which the complaint threshold has not been met, and may resume its review of those pending cable programming services rate cases for which the complaint threshold has been met, which review shall be completed within 180 days after the date of enactment of the Communications Act of 1995.

''(5) SCOPE OF COMMISSION REVIEW.—A cable programming services rate shall be deemed not unreasonable and shall not be subject to reduction or refund if—

''(A) such rate was not the subject of a pending complaint at the time of enactment of the Communications Act of 1995;

''(B) such rate was the subject of a complaint that was dismissed pursuant to paragraph (4);

''(C) such rate resulted from an increase for which the complaint threshold specified in paragraph (3)(A) has not been met;

''(D) the Commission does not complete its review and issue a final order in the time period specified in paragraph (3)(B) or (4); or

''(E) the Commission issues an order finding such rate to be not unreasonable.

The review by the Commission of any future increase in such rate shall be limited to the incremental change in such rate effected by such increase.'';

(2) in paragraph (1)(B) by striking ''obtain Commission consideration and resolution of whether the rate in question is unreasonable'' and inserting ''be counted toward the complaint threshold specified in paragraph (3)(A)''; and

(3) in paragraph (1)(C) by striking ''such complaint'' and inserting in lieu thereof ''the first complaint''.

(g) UNIFORM RATE STRUCTURE.—Section 623(d) of the Act (47 U.S.C. 543(d)) is amended to read as follows:

''(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services that are regulated by the Commission or the franchising authority. Bulk discounts to multiple dwelling units shall not be subject to this requirement.''.

(h) EFFECTIVE COMPETITION.—Section 623(l)(1) of the Act (47 U.S.C. 543(l)(1)) is amended—

(1) in subparagraph (B)(ii)—

(A) by inserting ''all'' before ''multichannel video programming distributors''; and

(B) by striking ''or'' at the end thereof;

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following:

''(D) with respect to cable programming services and subscriber equipment, installations, and connections for additional television receivers (other than equipment, installations, and connections furnished to subscribers who receive only a rate regulated basic service tier)—

''(i) a common carrier has been authorized by the Commission to construct facilities to provide video dialtone service in the cable operator's franchise area;

''(ii) a common carrier has been authorized by the Commission or pursuant to a franchise to provide video programming directly to subscribers in the franchise area; or

''(iii) the Commission has completed all actions necessary (including any reconsideration) to prescribe regulations pursuant to section 653(b)(1) relating to video platforms.''.

(i) RELIEF FOR SMALL CABLE OPERATORS.—Section 623 of the Act (47 U.S.C. 543) is amended by adding at the end the following new subsection:

''(m) SMALL CABLE OPERATORS.—

''(1) SMALL CABLE OPERATOR RELIEF.—A small cable operator shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

''(2) DEFINITION OF SMALL CABLE OPERATOR.—For purposes of this subsection, 'small cable operator' means a cable operator that—

''(A) directly or through an affiliate, serves in the aggregate fewer than 1 percent of all cable subscribers in the United States; and

''(B) is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.''.

(j) TECHNICAL STANDARDS.—Section 624(e) of the Act (47 U.S.C. 544(e)) is amended by striking the last two sentences and inserting the following: ''No State or franchising authority may prohibit, condition, or restrict a cable system's use of any type of subscriber equipment or any transmission technology.''.

(k) CABLE SECURITY SYSTEMS.—Section 624A(b)(2) of the Act (47 U.S.C. 544a(b)(2)) is amended to read as follows:

''(2) CABLE SECURITY SYSTEMS.—No Federal agency, State, or franchising authority may prohibit a cable operator's use of any security system (including scrambling, encryption, traps, and interdiction), except that the Commission may prohibit the use of any such system solely with respect to the delivery of a basic service tier that, as of January 1, 1995, contained only the signals and programming specified in section 623(b)(7)(A), unless the use of such system is necessary to prevent the unauthorized reception of such tier.''.

(l) CABLE EQUIPMENT COMPATIBILITY.—Section 624A of the Act (47 U.S.C. 544A), is amended—

(1) in subsection (a) by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and''; and by adding at the end the following new paragraph:

''(4) compatibility among televisions, video cassette recorders, and cable systems can be assured with narrow technical standards that mandate a minimum degree of common design and operation, leaving all features, functions, protocols, and other product and service options for selection through open competition in the market.'';

(2) in subsection (c)(1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before such redesignated subparagraph (B) the following new subparagraph:

''(A) the need to maximize open competition in the market for all features, functions, protocols, and other product and service options of converter boxes and other cable converters unrelated to the descrambling or decryption of cable television signals;''; and

(3) in subsection (c)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) to ensure that any standards or regulations developed under the authority of this section to ensure compatibility between televisions, video casette recorders, and cable systems do not affect features, functions, protocols, and other product and service options other than those specified in paragraph (1)(B), including telecommunications interface equipment, home automation communications, and computer network services;''.

(m) RETIERING OF BASIC TIER SERVICES.—Section 625(d) of the Act (47 U.S.C. 543(d)) is amended by adding at the end the following new sentence: ''Any signals or services carried on the basic service tier but not required under section 623(b)(7)(A) may be moved from the basic service tier at the operator's sole discretion, provided that the removal of such a signal or service from the basic service tier is permitted by contract. The movement of such signals or services to an unregulated package of services shall not subject such package to regulation.''.

(n) SUBSCRIBER NOTICE.—Section 632 of the Act (47 U.S.C. 552) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) SUBSCRIBER NOTICE.—A cable operator may provide notice of service and rate changes to subscribers using any reasonable written means at its sole discretion. Notwithstanding section 623(b)(6) or any other provision of this Act, a cable operator shall not be required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.''.

(o) TREATMENT OF PRIOR YEAR LOSSES.—

(1) AMENDMENT.—Section 623 (48 U.S.C. 543) is amended by adding at the end thereof the following:

''(n) TREATMENT OF PRIOR YEAR LOSSES.—Notwithstanding any other provision of this section or of section 612, losses (including losses associated with the acquisitions of such franchise) that were incurred prior to September 4, 1992, with respect to a cable system that is owned and operated by the original franchisee of such system shall not be disallowed, in whole or in part, in the determination of whether the rates for any tier of service or any type of equipment that is subject to regulation under this section are lawful.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall be applicable to any rate proposal filed on or after September 4, 1993.

SEC. 203. COMPETITIVE AVAILABILITY OF NAVIGATION DEVICES.

Title VII of the Act is amended by adding at the end the following new section:

''SEC. 713. COMPETITIVE AVAILABILITY OF NAVIGATION DEVICES.

''(a) DEFINITIONS.—As used in this section:

''(1) The term 'telecommunications subscription service' means the provision directly to subscribers of video, voice, or data services for which a subscriber charge is made.

''(2) The term 'telecommunications system' or a 'telecommunications system operator' means a provider of telecommunications subscription service.

''(b) COMPETITIVE CONSUMER AVAILABILITY OF CUSTOMER PREMISES EQUIPMENT.—The Commission shall adopt regulations to assure competitive availability, to consumers of telecommunications subscription services, of converter boxes, interactive communications devices, and other customer premises equipment from manufacturers, retailers, and other vendors not affiliated with any telecommunications system operator. Such regulations shall take into account the needs of owners and distributors of video programming and information services to ensure system and signal security and prevent theft of service. Such regulations shall not prohibit any telecommunications system operator from also offering devices and customer premises equipment to consumers, provided that the system operator's charges to consumers for such devices

and equipment are separately stated and not bundled with or subsidized by charges for any telecommunications subscription service.

''(c) WAIVER FOR NEW NETWORK SERVICES.—The Commission may waive a regulation adopted pursuant to subsection (b) for a limited time upon an appropriate showing by a telecommunications system operator that such waiver is necessary to the introduction of a new telecommunications subscription service.

''(d) SUNSET.—The regulations adopted pursuant to this section shall cease to apply to any market for the acquisition of converter boxes, interactive communications devices, or other customer premises equipment when the Commission determines that such market is competitive.''.

SEC. 204. VIDEO PROGRAMMING ACCESSIBILITY.

(a) COMMISSION INQUIRY.—Within 180 days after the date of enactment of this section, the Federal Communications Commission shall complete an inquiry to ascertain the level at which video programming is closed captioned. Such inquiry shall examine the extent to which existing or previously published programming is closed captioned, the size of the video programming provider or programming owner providing closed captioning, the size of the market served, the relative audience shares achieved, or any other related factors. The Commission shall submit to the Congress a report on the results of such inquiry.

(b) ACCOUNTABILITY CRITERIA.—Within 18 months after the date of enactment, the Commission shall prescribe such regulations as are necessary to implement this section. Such regulations shall ensure that—

(1) video programming first published or exhibited after the effective date of such regulations is fully accessible through the provision of closed captions, except as provided in subsection (d); and

(2) video programming providers or owners maximize the accessibility of video programming first published or exhibited prior to the effective date of such regulations through the provision of closed captions, except as provided in subsection (d).

(c) DEADLINES FOR CAPTIONING.—Such regulations shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming.

(d) EXEMPTIONS.—Notwithstanding subsection (b)—

(1) the Commission may exempt by regulation programs, classes of programs, or services for which the Commission has determined that the provision of closed captioning would be economically burdensome to the provider or owner of such programming;

(2) a provider of video programming or the owner of any program carried by the provider shall not be obligated to supply closed captions if such action would be inconsistent with contracts in effect on the date of enactment of this Act, except that nothing in this section shall be construed to relieve a video programming provider of its obligations to provide services required by Federal law; and

(3) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would result in an undue burden.

(e) UNDUE BURDEN.—The term ''undue burden'' means significant difficulty or expense. In determining whether the closed captions necessary to comply with the requirements of this paragraph would result in an undue economic burden, the factors to be considered include—

(1) the nature and cost of the closed captions for the programming;

(2) the impact on the operation of the provider or program owner;

(3) the financial resources of the provider or program owner; and

(4) the type of operations of the provider or program owner.

(f) VIDEO DESCRIPTIONS INQUIRY.—Within 6 months after the date of enactment of this Act, the Commission shall commence an inquiry to examine the use of video descriptions on video programming in order to ensure the accessibility of video programming to persons with visual impairments, and report to Congress on its findings. The Commission's report shall assess appropriate methods and schedules for phasing video descriptions into the marketplace, technical and quality standards for video descriptions, a definition of programming for which video descriptions would apply, and other technical and legal issues that the Commission deems appropriate. Following the completion of such inquiry, the Commission may adopt regulation it deems necessary to promote the accessibility of video programming to persons with visual impairments.

(g) VIDEO DESCRIPTION.—For purposes of this section, ''video description'' means the insertion of audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue.

(h) PRIVATE RIGHTS OF ACTIONS PROHIBITED.—Nothing in this section shall be construed to authorize any private right of action to enforce any requirement of this section or any regulation thereunder. The Commission shall have exclusive jurisdiction with respect to any complaint under this section.

SEC. 205. TECHNICAL AMENDMENTS.

(a) RETRANSMISSION.—Section 325(b)(2)(D) of the Act (47 U.S.C. 325(b)(2)(D)) is amended to read as follows:

''(D) retransmission by a cable operator or other multichannel video programming distributor of the signal of a superstation if (i) the customers served by the cable operator or other multichannel video programming distributor reside outside the originating station's television market, as defined by the Commission for purposes of section 614(h)(1)(C); (ii) such signal was obtained from a satellite carrier or terrestrial microwave common carrier; and (iii) and the origination station was a superstation on May 1, 1991.''.

(b) MARKET DETERMINATIONS.—Section 614(h)(1)(C)(i) of the Act (47 U.S.C. 534(h)(1)(C)(i)) is amended by striking out ''in the manner provided in section 73.3555(d)(3)(i) of title 47, Code of Federal Regulations, as in effect on May 1, 1991,'' and inserting ''by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns,''.

(c) TIME FOR DECISION.—Section 614(h)(1)(C)(iv) of such Act is amended to read as follows:

''(iv) Within 120 days after the date a request is filed under this subparagraph, the Commission shall grant or deny the request.''.

(d) PROCESSING OF PENDING COMPLAINTS.—The Commission shall, unless otherwise informed by the person making the request, assume that any person making a request to include or exclude additional communities under section 614(h)(1)(C) of such Act (as in effect prior to the date of enactment of this Act) continues to request such inclusion or exclusion under such section as amended under subsection (b).

TITLE III—BROADCAST COMMUNICATIONS COMPETITIVENESS

SEC. 301. BROADCASTER SPECTRUM FLEXIBILITY.

Title III of the Act is amended by inserting after section 335 (47 U.S.C. 335) the following new section:

''SEC. 336. BROADCAST SPECTRUM FLEXIBILITY.

''(a) COMMISSION ACTION.—If the Commission determines to issue additional licenses for advanced television services, the Commission shall—

''(1) limit the initial eligibility for such licenses to persons that, as of the date of such issuance, are licensed to operate a television broadcast station or hold a permit to construct such a station (or both); and

''(2) adopt regulations that allow such licensees or permittees to offer such ancillary or supplementary services on designated frequencies as may be consistent with the public interest, convenience, and necessity.

''(b) CONTENTS OF REGULATIONS.—In prescribing the regulations required by subsection (a), the Commission shall—

''(1) only permit such licensee or permittee to offer ancillary or supplementary services if the use of a designated frequency for such services is consistent with the technology or method designated by the Commission for the provision of advanced television services;

''(2) limit the broadcasting of ancillary or supplementary services on designated frequencies so as to avoid derogation of any advanced television services, including high definition television broadcasts, that the Commission may require using such frequencies;

''(3) apply to any other ancillary or supplementary service such of the Commission's regulations as are applicable to the offering of analogous services by any other person, except that no ancillary or supplementary service shall have any rights to carriage under section 614 or 615 or be deemed a multichannel video programming distributor for purposes of section 628;

''(4) adopt such technical and other requirements as may be necessary or appropriate to assure the quality of the signal used to provide advanced television services, and may adopt regulations that stipulate the minimum number of hours per day that such signal must be transmitted; and

''(5) prescribe such other regulations as may be necessary for the protection of the public interest, convenience, and necessity.

''(c) RECOVERY OF LICENSE.—

''(1) CONDITIONS REQUIRED.—If the Commission grants a license for advanced television services to a person that, as of the date of such issuance, is licensed to operate a television broadcast station or holds a permit to construct such a station (or both), the Commission shall, as a condition of such license, require that, upon a determination by the Commission pursuant to the regulations prescribed under paragraph (2), either the additional license or the original license held by the licensee be surrendered to the Commission in accordance with such regulations for reallocation or reassignment (or both) pursuant to Commission regulation.

''(2) CRITERIA.—The Commission shall prescribe criteria for rendering determinations concerning license surrender pursuant to license conditions required by paragraph (1). Such criteria shall—

''(A) require such determinations to be based, on a market-by-market basis, on whether the substantial majority of the public have obtained television receivers that are capable of receiving advanced television services; and

''(B) not require the cessation of the broadcasting under either the original or additional license if such cessation would render the television receivers of a substantial portion of the public useless, or otherwise cause undue burdens on the owners of such television receivers.

''(3) AUCTION OF RETURNED SPECTRUM.—Any license surrendered under the requirements of this subsection shall be subject to assignment by use of competitive bidding pursuant to section 309(j), notwithstanding any limitations contained in paragraph (2) of such section.

''(d) FEES.—

''(1) SERVICES TO WHICH FEES APPLY.—If the regulations prescribed pursuant to subsection (a) permit a licensee to offer ancillary or supplementary services on a designated frequency—

''(A) for which the payment of a subscription fee is required in order to receive such services, or

''(B) for which the licensee directly or indirectly receives compensation from a third party

in return for transmitting material furnished by such third party (other than commercial advertisements used to support broadcasting for which a subscription fee is not required),

the Commission shall establish a program to assess and collect from the licensee for such designated frequency an annual fee or other schedule or method of payment that promotes the objectives described in subparagraphs (A) and (B) of paragraph (2).

''(2) COLLECTION OF FEES.—The program required by paragraph (1) shall—

''(A) be designed (i) to recover for the public a portion of the value of the public spectrum resource made available for such commercial use, and (ii) to avoid unjust enrichment through the method employed to permit such uses of that resource;

''(B) recover for the public an amount that, to the extent feasible, equals but does not exceed (over the term of the license) the amount that would have been recovered had such services been licensed pursuant to the provisions of section 309(j) of this Act and the Commission's regulations thereunder; and

''(C) be adjusted by the Commission from time to time in order to continue to comply with the requirements of this paragraph.

''(3) TREATMENT OF REVENUES.—

''(A) GENERAL RULE.—Except as provided in subparagraph (B), all proceeds obtained pursuant to the regulations required by this subsection shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

''(B) RETENTION OF REVENUES.—Notwithstanding subparagraph (A), the salaries and expenses account of the Commission shall retain as an offsetting collection such sums as may be necessary from such proceeds for the costs of developing and implementing the program required by this section and regulating and supervising advanced television services. Such offsetting collections shall be available for obligation subject to the terms and conditions of the receiving appropriations account, and shall be deposited in such accounts on a quarterly basis.

''(4) REPORT.—Within 5 years after the date of the enactment of this section, the Commission shall report to the Congress on the implementation of the program required by this subsection, and shall annually thereafter advise the Congress on the amounts collected pursuant to such program.

''(e) EVALUATION.—Within 10 years after the date the Commission first issues additional licenses for advanced television services, the Commission shall conduct an evaluation of the advanced television services program. Such evaluation shall include—

''(1) an assessment of the willingness of consumers to purchase the television receivers necessary to receive broadcasts of advanced television services;

''(2) an assessment of alternative uses, including public safety use, of the frequencies used for such broadcasts; and

''(3) the extent to which the Commission has been or will be able to reduce the amount of spectrum assigned to licensees.

''(f) DEFINITIONS.—As used in this section:

''(1) ADVANCED TELEVISION SERVICES.—The term 'advanced television services' means television services provided using digital or other advanced technology as further defined in the opinion, report, and order of the Commission entitled 'Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service', MM Docket 87–268, adopted September 17, 1992, and successor proceedings.

''(2) DESIGNATED FREQUENCIES.—The term 'designated frequency' means each of the frequencies designated by the Commission for licenses for advanced television services.

''(3) HIGH DEFINITION TELEVISION.—The term 'high definition television' refers to systems that offer approximately twice the vertical and horizontal resolution of receivers generally available on the date of enactment of this section, as further defined in the proceedings described in paragraph (1) of this subsection.''.

SEC. 302. BROADCAST OWNERSHIP.

(a) AMENDMENT.—Title III of the Act is amended by inserting after section 336 (as added by section 301) the following new section:

''SEC. 337. BROADCAST OWNERSHIP.

''(a) LIMITATIONS ON COMMISSION RULEMAKING AUTHORITY.—Except as expressly permitted in this section, the Commission shall not prescribe or enforce any regulation—

''(1) prohibiting or limiting, either nationally or within any particular area, a person or entity from holding any form of ownership or other interest in two or more broadcasting stations or in a broadcasting station and any other medium of mass communication; or

''(2) prohibiting a person or entity from owning, operating, or controlling two or more networks of broadcasting stations or from owning, operating, or controlling a network of broadcasting stations and any other medium of mass communications.

''(b) TELEVISION OWNERSHIP LIMITATIONS.—

''(1) NATIONAL AUDIENCE REACH LIMITATIONS.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, or controlling, or having a cognizable interest in, television stations which have an aggregate national audience reach exceeding—

''(A) 35 percent, for any determination made under this paragraph before one year after the date of enactment of this section; or

''(B) 50 percent, for any determination made under this paragraph on or after one year after such date of enactment.

Within 3 years after such date of enactment, the Commission shall conduct a study on the operation of this paragraph and submit a report to the Congress on the development of competition in the television marketplace and the need for any revisions to or elimination of this paragraph.

''(2) MULTIPLE LICENSES IN A MARKET.—

''(A) IN GENERAL.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, or controlling, or having a cognizable interest in, two or more television stations within the same television market.

''(B) EXCEPTION FOR MULTIPLE UHF STATIONS AND FOR UHF-VHF COMBINATIONS.—Notwithstanding subparagraph (A), the Commission shall not prohibit a person or entity from directly or indirectly owning, operating, or controlling, or having a cognizable interest in, two television stations within the same television market if at least one of such stations is a UHF television, unless the Commission determines that permitting such ownership, operation, or control will harm competition or will harm the preservation of a diversity of media voices in the local television market.

''(C) EXCEPTION FOR VHF-VHF COMBINATIONS.—Notwithstanding subparagraph (A), the Commission may permit a person or entity to directly or indirectly own, operate, or control, or have a cognizable interest in, two VHF television stations within the same television market, if the Commission determines that permitting such ownership, operation, or control will not harm competition and will not harm the preservation of a diversity of media voices in the local television market.

''(c) LOCAL CROSS-MEDIA OWNERSHIP LIMITS.—In a proceeding to grant, renew, or authorize the assignment of any station license under this title, the Commission may deny the application if the Commission determines that the combination of such station and more than one other nonbroadcast media of mass communication would result in an undue concentration of media voices in the respective local market. In considering any such combination, the Commission shall not grant the application if all the media of mass communication in such local market would be owned, operated, or controlled by two or fewer persons or entities. This subsection shall not constitute authority for the Commission to prescribe regulations containing local cross-media ownership limitations. The Commission may not, under the authority of this subsection, require any person or entity to divest itself of any portion of any combination of stations and other media of mass communications that such person or entity owns, operates, or controls on the date of enactment of this section unless such person or entity acquires another station or other media of mass communications after such date in such local market.

''(d) TRANSITION PROVISIONS.—Any provision of any regulation prescribed before the date of enactment of this section that is inconsistent with the requirements of this section shall cease to be effective on such date of enactment. The Commission shall complete all actions (including any reconsideration) necessary to amend its regulations to conform to the requirements of this section not later than 6 months after such date of enactment. Nothing in this section shall be construed to prohibit the continuation or renewal of any television local marketing agreement that is in effect on such date of enactment and that is in compliance with Commission regulations on such date.''.

(b) CONFORMING AMENDMENT.—Section 613(a) of the Act (47 U.S.C. 533(a)) is repealed.

SEC. 303. FOREIGN INVESTMENT AND OWNERSHIP.

(a) STATION LICENSES.—Section 310(a) (47 U.S.C. 310(a)) is amended to read as follows:

''(a) GRANT TO OR HOLDING BY FOREIGN GOVERNMENT OR REPRESENTATIVE.—No station license required under title III of this Act shall be granted to or held by any foreign government or any representative thereof. This subsection shall not apply to licenses issued under such terms and conditions as the Commission may prescribe to mobile earth stations engaged in occasional or short-term transmissions via satellite of audio or television program material and auxilliary signals if such transmissions are not intended for direct reception by the general public in the United States.''.

(b) TERMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.—Section 310 (47 U.S.C. 310) is amended by adding at the end thereof the following new subsection:

''(f) TERMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.—

''(1) RESTRICTION NOT TO APPLY.—Subsection (b) shall not apply to any common carrier license granted, or for which application is made, after the date of enactment of this subsection with respect to any alien (or representative thereof), corporation, or foreign government (or representative thereof) if—

''(A) the President determines that the foreign country of which such alien is a citizen, in which such corporation is organized, or in which the foreign government is in control is party to an international agreement which requires the United States to provide national or most-favored-nation treatment in the grant of common carrier licenses; or

''(B) the Commission determines that not applying subsection (b) would serve the public interest.

''(2) COMMISSION CONSIDERATIONS.—In making its determination, under paragraph (1)(B), the Commission may consider, among other public interest factors, whether effective competitive opportunities are available to United States nationals or corporations in the applicant's home market. In evaluating the public interest, the Commission shall exercise great deference to the President with respect to United States national security, law enforcement requirements, foreign policy, the interpretation of international agreements, and trade policy (as well as direct investment as it relates to international trade policy).

Upon receipt of an application that requires a finding under this paragraph, the Commission shall cause notice thereof to be given to the President or any agencies designated by the President to receive such notification.

''(3) FURTHER COMMISSION REVIEW.—Except as otherwise provided in this paragraph, the Commission may determine that any foreign country with respect to which it has made a determination under paragraph (1) has ceased to meet the requirements for that determination. In making this determination, the Commission shall exercise great deference to the President with respect to United States national security, law enforcement requirements, foreign policy, the interpretation of international agreements, and trade policy (as well as direct investment as it relates to international trade policy). If a determination under this paragraph is made then—

''(A) subsection (b) shall apply with respect to such aliens, corporation, and government (or their representatives) on the date that the Commission publishes notice of its determination under this paragraph; and

''(B) any license held, or application filed, which could not be held or granted under subsection (b) shall be reviewed by the Commission under the provisions of paragraphs (1)(B) and (2).

''(4) OBSERVANCE OF INTERNATIONAL OBLIGATIONS.—Paragraph (3) shall not apply to the extent the President determines that it is inconsistent with any international agreement to which the United States is a party.

''(5) NOTIFICATIONS TO CONGRESS.—The President and the Commission shall notify the appropriate committees of the Congress of any determinations made under paragraph (1), (2), or (3).''.

SEC. 304. TERM OF LICENSES.

Section 307(c) of the Act (47 U.S.C. 307(c)) is amended to read as follows:

''(c) TERMS OF LICENSES.—

''(1) INITIAL AND RENEWAL LICENSES.—Each license granted for the operation of a broadcasting station shall be for a term of not to exceed seven years. Upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed seven years from the date of expiration of the preceding license, if the Commission finds that public interest, convenience, and necessity would be served thereby. Consistent with the foregoing provisions of this subsection, the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewed for particular classes of stations, but the Commission may not adopt or follow any rule which would preclude it, in any case involving a station of a particular class, from granting or renewing a license for a shorter period than that prescribed for stations of such class if, in its judgment, public interest, convenience, or necessity would be served by such action.

''(2) MATERIALS IN APPLICATION.—In order to expedite action on applications for renewal of broadcasting station licenses and in order to avoid needless expense to applicants for such renewals, the Commission shall not require any such applicant to file any information which previously has been furnished to the Commission or which is not directly material to the considerations that affect the granting or denial of such application, but the Commission may require any new or additional facts it deems necessary to make its findings.

''(3) CONTINUATION PENDING DECISION.—Pending any hearing and final decision on such an application and the disposition of any petition for rehearing pursuant to section 405, the Commission shall continue such license in effect.''.

SEC. 305. BROADCAST LICENSE RENEWAL PROCEDURES.

(a) AMENDMENT.—Section 309 of the Act (47 U.S.C. 309) is amended by adding at the end thereof the following new subsection:

''(k) BROADCAST STATION RENEWAL PROCEDURES.—

''(1) STANDARDS FOR RENEWAL.—If the licensee of a broadcast station submits an application to the Commission for renewal of such license, the Commission shall grant the application if it finds, with respect to that station, during the preceding term of its license—

''(A) the station has served the public interest, convenience, and necessity;

''(B) there have been no serious violations by the licensee of this Act or the rules and regulations of the Commission; and

''(C) there have been no other violations by the licensee of this Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse.

''(2) CONSEQUENCE OF FAILURE TO MEET STANDARD.—If any licensee of a broadcast station fails to meet the requirements of this subsection, the Commission may deny the application for renewal in accordance with paragraph (3), or grant such application on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.

''(3) STANDARDS FOR DENIAL.—If the Commission determines, after notice and opportunity for a hearing as provided in subsection (e), that a licensee has failed to meet the requirements specified in paragraph (1) and that no mitigating factors justify the imposition of lesser sanctions, the Commission shall—

''(A) issue an order denying the renewal application filed by such licensee under section 308; and

''(B) only thereafter accept and consider such applications for a construction permit as may be filed under section 308 specifying the channel or broadcasting facilities of the former licensee.

''(4) COMPETITOR CONSIDERATION PROHIBITED.—In making the determinations specified in paragraph (1) or (2), the Commission shall not consider whether the public interest, convenience, and necessity might be served by the grant of a license to a person other than the renewal applicant.''.

(b) CONFORMING AMENDMENT.—Section 309(d) of the Act (47 U.S.C. 309(d)) is amended by inserting after ''with subsection (a)'' each place such term appears the following: ''(or subsection (k) in the case of renewal of any broadcast station license)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any application for renewal filed on or after May 31, 1995.

SEC. 306. EXCLUSIVE FEDERAL JURISDICTION OVER DIRECT BROADCAST SATELLITE SERVICE.

Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end thereof the following new subsection:

''(v) Have exclusive jurisdiction over the regulation of the direct broadcast satellite service.''.

SEC. 307. AUTOMATED SHIP DISTRESS AND SAFETY SYSTEMS.

Notwithstanding any provision of the Act, a ship documented under the laws of the United States operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety of Life at Sea Convention shall not be required to be equipped with a radio telegraphy station operated by one or more radio officers or operators.

SEC. 308. RESTRICTIONS ON OVER-THE-AIR RECEPTION DEVICES.

Within 180 days after the enactment of this Act, the Commission shall, pursuant to section 303, promulgate regulations to prohibit restrictions that inhibit a viewer's ability to receive video programming services through signal receiving devices designed for off-the-air reception of television broadcast signals or direct broadcast satellite services.

SEC. 309. DBS SIGNAL SECURITY.

Section 705(e)(4) of the Act (47 U.S.C. 605(e)) is amended by inserting after ''satellite cable programming'' the following: ''or programming of a licensee in the direct broadcast satellite service''.

TITLE IV—EFFECT ON OTHER LAWS

SEC. 401. RELATIONSHIP TO OTHER LAWS.

(a) MODIFICATION OF FINAL JUDGMENT.—Parts II and III of title II of the Communications Act of 1934 (as added by this Act) shall supersede the Modification of Final Judgment, except that such part shall not affect—

(1) section I of the Modification of Final Judgment, relating to AT&T reorganization,

(2) section II(A) (including appendix B) and II(B) of the Modification of Final Judgment, relating to equal access and nondiscrimination,

(3) section IV(F) and IV(I) of the Modification of Final Judgment, with respect to the requirements included in the definitions of ''exchange access'' and ''information access'',

(4) section VIII(B) of the Modification of Final Judgment, relating to printed advertising directories,

(5) section VIII(E) of the Modification of Final Judgment, relating to notice to customers of AT&T,

(6) section VIII(F) of the Modification of Final Judgment, relating to less than equal exchange access,

(7) section VIII(G) of the Modification of Final Judgment, relating to transfer of AT&T assets, including all exceptions granted thereunder before the date of the enactment of this Act, and

(8) with respect to the parts of the Modification of Final Judgment described in paragraphs (1) through (7)—

(A) section III of the Modification of Final Judgment, relating to applicability and effect,

(B) section IV of the Modification of Final Judgment, relating to definitions,

(C) section V of the Modification of Final Judgment, relating to compliance,

(D) section VI of the Modification of Final Judgment, relating to visitorial provisions,

(E) section VII of the Modification of Final Judgment, relating to retention of jurisdiction, and

(F) section VIII(I) of the Modification of Final Judgment, relating to the court's sua sponte authority.

(b) ANTITRUST LAWS.—Nothing in this Act shall be construed to modify, impair, or supersede the applicability of any of the antitrust laws.

(c) FEDERAL, STATE, AND LOCAL LAW.—(1) Except as provided in paragraph (2), parts II and III of title II of the Communications Act of 1934 shall not be construed to modify, impair, or supersede Federal, State, or local law unless expressly so provided in such part.

(2) Parts II and III of title II of the Communications Act of 1934 shall supersede State and local law to the extent that such law would impair or prevent the operation of such part.

(d) TERMINATION.—The provisions of the GTE consent decree shall cease to be effective on the date of enactment of this Act. For purposes of this subsection, the term ''GTE consent decree'' means the order entered on December 21, 1984 (as restated on January 11, 1985), in United States v. GTE Corporation, Civil Action No. 83–1298, in the United States District Court for the District of Columbia, and includes any judgment or order with respect to such action entered on or after December 21, 1984.

(e) INAPPLICABILITY OF FINAL JUDGMENT TO WIRELESS SUCCESSORS.—No person shall be subject to the provisions of the Modification of Final Judgment by reason of having acquired wireless exchange assets or operations previously owned by a Bell operating company or an affiliate of a Bell operating company.

(f) ANTITRUST LAWS.—As used in this section, the term ''antitrust laws'' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15

U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

SEC. 402. PREEMPTION OF LOCAL TAXATION WITH RESPECT TO DBS SERVICES.

(a) PREEMPTION.—A provider of direct-to-home satellite service, or its agent or representative for the sale or distribution of direct-to-home satellite services, shall be exempt from the collection or remittance, or both, of any tax or fee, as defined by subsection (b)(4), imposed by any local taxing jurisdiction with respect to the provision of direct-to-home satellite services. Nothing in this section shall be construed to exempt from collection or remittance any tax or fee on the sale of equipment.

(b) DEFINITIONS.—For the purposes of this section—

(1) DIRECT-TO-HOME SATELLITE SERVICE.—The term ''direct-to-home satellite service'' means the transmission or broadcasting by satellite of programming directly to the subscribers' premises without the use of ground receiving or distribution equipment, except at the subscribers' premises or in the uplink process to the satellite.

(2) DIRECT-TO-HOME SATELLITE SERVICE PROVIDER.—For purposes of this section, a ''provider of direct-to-home satellite service'' means a person who transmits or broadcasts direct-to-home satellite services.

(3) LOCAL TAXING JURISDICTION.—The term ''local taxing jurisdiction'' means any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other local jurisdiction with the authority to impose a tax or fee.

(4) TAX OR FEE.—The terms ''tax'' and ''fee'' mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license, or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction.

(c) EFFECTIVE DATE.—This section shall be effective as of June 1, 1994.

TITLE V—DEFINITIONS

SEC. 501. DEFINITIONS.

(a) ADDITIONAL DEFINITIONS.—Section 3 of the Act (47 U.S.C. 153) is amended—

(1) in subsection (r)—

(A) by inserting ''(A)'' after ''means''; and

(B) by inserting before the period at the end the following: '', or (B) service provided through a system of switches, transmission equipment, or other facilities (or combination thereof) by which a subscriber can originate and terminate a telecommunications service within a State but which does not result in the subscriber incurring a telephone toll charge''; and

(2) by adding at the end thereof the following:

''(35) AFFILIATE.—The term 'affiliate', when used in relation to any person or entity, means another person or entity who owns or controls, is owned or controlled by, or is under common ownership or control with, such person or entity.

''(36) BELL OPERATING COMPANY.—The term 'Bell operating company' means—

''(A) Bell Telephone Company of Nevada, Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, New England Telephone and Telegraph Company, New Jersey Bell Telephone Company, New York Telephone Company, U S West Communications Company, South Central Bell Telephone Company, Southern Bell Telephone and Telegraph Company, Southwestern Bell Telephone Company, The Bell Telephone Company of Pennsylvania, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of West Virginia, The Diamond State Telephone Company, The Ohio Bell Telephone Company, The Pacific Telephone and Telegraph Company, or Wisconsin Telephone Company;

''(B) any successor or assign of any such company that provides telephone exchange service.

''(37) CABLE SYSTEM.—The term 'cable system' has the meaning given such term in section 602(7) of this Act.

''(38) CUSTOMER PREMISES EQUIPMENT.—The term 'customer premises equipment' means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

''(39) DIALING PARITY.—The term 'dialing parity' means that a person that is not an affiliated enterprise of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation from among 2 or more telecommunications services providers (including such local exchange carrier).

''(40) EXCHANGE ACCESS.—The term 'exchange access' means the offering of telephone exchange services or facilities for the purpose of the origination or termination of interLATA services.

''(41) INFORMATION SERVICE.—The term 'information service' means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

''(42) INTERLATA SERVICE.—The term 'interLATA service' means telecommunications between a point located in a local access and transport area and a point located outside such area.

''(43) LOCAL ACCESS AND TRANSPORT AREA.—The term 'local access and transport area' or 'LATA' means a contiguous geographic area—

''(A) established by a Bell operating company such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the Modification of Final Judgment before the date of the enactment of this paragraph; or

''(B) established or modified by a Bell operating company after the date of enactment of this paragraph and approved by the Commission.

''(44) LOCAL EXCHANGE CARRIER.—The term 'local exchange carrier' means any person that is engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of a commercial mobile service under section 332(c), except to the extent that the Commission finds that such service as provided by such person in a State is a replacement for a substantial portion of the wireline telephone exchange service within such State.

''(45) MODIFICATION OF FINAL JUDGMENT.—The term 'Modification of Final Judgment' means the order entered August 24, 1982, in the antitrust action styled United States v. Western Electric, Civil Action No. 82–0192, in the United States District Court for the District of Columbia, and includes any judgment or order with respect to such action entered on or after August 24, 1982.

''(46) NUMBER PORTABILITY.—The term 'number portability' means the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when changing from one provider of telecommunications services to another, as long as such user continues to be located within the area served by the same central office of the carrier from which the user is changing.

''(47) RURAL TELEPHONE COMPANY.—The term 'rural telephone company' means a local exchange carrier operating entity to the extent that such entity—

''(A) provides common carrier service to any local exchange carrier study area that does not include either—

''(i) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recent available population statistics of the Bureau of the Census; or

''(ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;

''(B) provides telephone exchange service, including telephone exchange access service, to fewer than 50,000 access lines;

''(C) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or

''(D) has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of this paragraph.

''(48) TELECOMMUNICATIONS.—The term 'telecommunications' means the transmission, between or among points specified by the subscriber, of information of the subscriber's choosing, without change in the form or content of the information as sent and received, by means of an electromagnetic transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.

''(49) TELECOMMUNICATIONS EQUIPMENT.—The term 'telecommunications equipment' means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment (including upgrades).

''(50) TELECOMMUNICATIONS SERVICE.—The term 'telecommunications service' means the offering, on a common carrier basis, of telecommunications facilities, or of telecommunications by means of such facilities. Such term does not include an information service.''.

(b) STYLISTIC CONSISTENCY.—Section 3 of the Act (47 U.S.C. 153) is amended—

(1) in subsections (e) and (n), by redesignating clauses (1), (2) and (3), as clauses (A), (B), and (C), respectively;

(2) in subsection (w), by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(3) in subsections (y) and (z), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(4) by redesignating subsections (a) through (ff) as paragraphs (1) through (32);

(5) by indenting such paragraphs 2 em spaces;

(6) by inserting after the designation of each such paragraph—

(A) a heading, in a form consistent with the form of the heading of this subsection, consisting of the term defined by such paragraph, or the first term so defined if such paragraph defines more than one term; and

(B) the words ''The term'';

(7) by changing the first letter of each defined term in such paragraphs from a capital to a lower case letter (except for ''United States'', ''State'', ''State commission'', and ''Great Lakes Agreement''); and

(8) by reordering such paragraphs and the additional paragraphs added by subsection (a) in alphabetical order based on the headings of such paragraphs and renumbering such paragraphs as so reordered.

(c) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 225(a)(1), by striking ''section 3(h)'' and inserting ''section 3'';

(2) in section 332(d), by striking ''section 3(n)'' each place it appears and inserting ''section 3''; and

(3) in sections 621(d)(3), 636(d), and 637(a)(2), by striking ''section 3(v)'' and inserting ''section 3''.

TITLE VI—SMALL BUSINESS COMPLAINT PROCEDURE

SEC. 601. COMPLAINT PROCEDURE.

(a) PROCEDURE REQUIRED.—The Federal Communications Commission shall establish procedures for the receipt and review of complaints concerning violations of the Communications Act of 1934, and the rules and regulations thereunder, that are likely to result, or have resulted, as a result of the violation, in material financial harm to a provider of telemessaging service, or other small business engaged in providing an information service or other telecommunications service. Such procedures shall be established within 120 days after the date of enactment of this Act.

(b) DEADLINES FOR PROCEDURES; SANCTIONS.—The procedures under this section shall ensure that the Commission will make a final determination with respect to any such complaint within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, as determined by the Commission in accordance with such regulations, the Commission shall, within 60 days after receipt of the complaint, order the common carrier and its affiliates to cease engaging in such violation pending such final determination. In addition, the Commission may exercise its authority to impose other penalties or sanctions, to the extent otherwise provided by law.

(c) DEFINITION.—For purposes of this section, a small business shall be any business entity that, along with any affiliate or subsidiary, has fewer than 300 employees.

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider the amendment printed in part 1 of House Report 104–223, which may be offered only by a Member designated in the report, shall be considered read, shall be debatable for 30 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.

If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment.

No further amendment shall be in order except the amendments printed in part 2 of the report, which may be considered in the order printed in the report, may be offered only by a Member designated in the 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, except as specified in the report, and shall not be subject to a demand for division of the question.

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 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.

Pursuant to the order of the House of the legislative day of Thursday, August 3, 1995, consideration in the Committee of the Whole shall proceed without intervening motion except for the amendments printed in the report and one motion to rise, if offered by the gentleman from Virginia [Mr. BLILEY].

The gentleman from Michigan [Mr. CONYERS] shall have permission to modify the amendment numbered 2–2 printed in the report.

It is now in order to consider the amendment numbered 1–1 printed in part 1 of House Reports 104–223.

AMENDMENT NO. 1–1 OFFERED BY MR. BLILEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1–1 offered by Mr. BLILEY:

[1. Resale]

Page 5, beginning on line 19, strike paragraph (3) and insert the following:

''(3) RESALE.—The duty—

''(A) to offer services, elements, features, functions, and capabilities for resale at wholesale rates, and

''(B) not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of such services, elements, features, functions, and capabilities, on a bundled or unbundled basis, except that a carrier may prohibit a reseller that obtains at wholesale rates a service, element, feature, function, or capability that is available at retail only to a category of subscribers from offering such service, element, feature, function, or capability to a different category of subscribers.

For the purposes of this paragraph, wholesale rates shall be determined on the basis of retail rates for the service, element, feature, function, or capability provided, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that are avoided by the local exchange carrier.

[2. Entry Schedule]

Page 10, line 1, strike ''15 months'' and insert ''6 months''.

Page 12, line 13, strike ''245(d)'' and insert ''245(c)''.

Page 19, line 19, strike ''18 months'' and insert ''6 months''.

Page 20, line 5, strike ''(d)(2)'' and insert ''(c)(2)''.

Page 24, beginning on line 1, strike subsection (c) through page 26, line 5, (and redesignate the succeeding subsections accordingly).

Page 27, line 25, strike ''(d)'' and insert ''(c)''.

Page 28, line 25, strike ''(g) and (h)'' and insert ''(f), (g), and (h)''.

Page 29, lines 9 and 12, strike ''subsection (d)'' and insert ''subsection (c)''.

Page 29, line 14, strike ''subsection (f)'' and insert ''subsection (e)''.

Page 30, line 2, strike ''(f)'' and insert ''(e)''.

Page 40, line 20, strike ''270 days'' and insert ''6 months''.

[3. State/Federal Coordination]

Page 10, after line 8, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

''(B) ACCOMMODATION OF STATE ACCESS REGULATIONS.—In prescribing and enforcing regulations to implement the requirements of this section, the Commission shall not preclude the enforcement of any regulation, order, or policy of a State commission that—

''(i) establishes access and interconnection obligations of local exchange carriers;

''(ii) is consistent with the requirements of this section; and

''(iii) does not substantially prevent the Commission from fulfilling the requirements of this section and the purposes of this part.

Page 14, strike lines 1 through 7 and insert the following:

''(h) AVOIDANCE OF REDUNDANT REGULATIONS.—

''(1) COMMISSION REGULATIONS.—Nothing in this section shall be construed to prohibit the Commission from enforcing regulations prescribed prior to the date of enactment of this part in fulfilling the requirements of this section, to the extent that such regulations are consistent with the provisions of this section.

''(2) STATE REGULATIONS.—Nothing in this section shall be construed to prohibit any State commission from enforcing regulations prescribed prior to the date of enactment of this part, or from prescribing regulations after such date of enactment, in fulfilling the requirements of this section, if (A) such regulations are consistent with the provisions of this section, and (B) the enforcement of such regulations has not been precluded under subsection (b)(4)(B).

Page 42, after line 2, insert the following new sentence:

In establishing criteria and procedures pursuant to this paragraph, the Commission shall take into account and accommodate, to the extent reasonable and consistent with the purposes of this section, the criteria and procedures established for such purposes by State commissions prior to the effective date of the Commission's criteria and procedures under this section.

Page 45, strike lines 12 through 18 and insert the following:

''(g) AVOIDANCE OF REDUNDANT REGULATIONS.—

''(1) COMMISSION REGULATIONS.—Nothing in this section shall be construed to prohibit the Commission from enforcing regulations prescribed prior to the date of enactment of this part in fulfilling the requirements of this section, to the extent that such regulations are consistent with the provisions of this section.

''(2) STATE REGULATIONS.—Nothing in this section shall be construed to prohibit any State commission from enforcing regulations prescribed prior to the effective date of the Commission's criteria and procedures under this section in fulfilling the requirements of this section, or from prescribing regulations after such date, to the extent such regulations are consistent—

''(A) with the provisions of this section; and

''(B) after such effective date, with such criteria and procedures.

Page 77, line 18, insert ''of the Commission'' after ''any regulation''.

[4. Joint Marketing]

Page 12, beginning on line 15, strike paragraph (2) through page 13, line 2, and insert the following:

''(2) COMPETING PROVIDERS.—Paragraph (1) shall not prohibit joint marketing of services, elements, features, functions, or capabilities acquired from a Bell operating company by an unaffiliated provider that, together with its affiliates, has in the aggregate less than 2 percent of the access lines installed nationwide.

[5. Rural Telephone Exemption]

Page 13, beginning on line 10, strike '', technologically infeasible'' and all that follows through line 11 and insert ''or technologically infeasible.''.

Page 13, beginning on line 12, strike subsections (f) and (g) through line 24 and insert the following:

(f) EXEMPTION FOR CERTAIN RURAL TELEPHONE COMPANIES.—Subsections (a) through (d) of this section shall not apply to a rural telephone company, until such company has received a bona fide request for services, elements, features or capabilities described in subsections (a) through (d). Following a bona fide request to the carrier and notice of the request to the State commission, the State commission shall determine within 120 days whether the request would be unduly economically burdensome, be technologically infeasible, and be consistent with subsections (b)(1) through (b)(5), (c)(1), and (c)(3) of section 247. The exemption provided by this subsection shall not apply if such carrier provides video programming services over its telephone exchange facilities in its telephone service area.

(g) TIME AND MANNER OF COMPLIANCE.—The State shall establish, after determining pursuant to subsection (f) that a bona fide request is not economically burdensome, is technologically feasible, and is consistent with subsections (b)(1) through (b)(5), (c)(1), and (c)(3) of section 247, an implementation schedule for compliance with such approved bona fide request that is consistent in time and manner with Commission rules.

Page 45, line 3, strike ''INTERSTATE'', and on line 4, strike ''interstate''.

[6. Management of Rights-of-Way]

Page 14, line 21, strike ''Nothing in this'' and insert the following:

''(1) IN GENERAL.—Nothing in this

Page 14, line 22, strike ''or local''.

Page 15, after line 6, insert the following new paragraph:

''(2) MANAGEMENT OF RIGHTS-OF-WAY.—Nothing in subsection (a) of this section shall affect the authority of a local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.''.

[7. Facilities-Based Competitor]

Page 20, beginning on line 8, strike subparagraph (A) through line 18 and insert the following:

''(A) PRESENCE OF A FACILITIES-BASED COMPETITOR.—An agreement that has been approved under section 244 specifying the terms and conditions under which the Bell operating company is providing access and interconnection to its network facilities in accordance with section 242 for the network facilities of an unaffiliated competing provider of telephone exchange service (as defined in section 3(44)(A), but excluding exchange access service) to residential and business subscribers. For the purpose of this subparagraph, such telephone exchange service may be offered by such competing provider either exclusively over its own telephone exchange service facilities or predominantly over its own telephone exchange service facilities in combination with the resale of the services of another carrier. For the purpose of this subparagraph, services provided pursuant to subpart K of part 22 of the Commission's regulations (47 C.F.R. 22.901 et seq.) shall not be considered to be telephone exchange services.

Page 21, line 2, strike ''243'' and insert ''244''.

[8. Entry Consultations with the Attorney General]

Page 27, after line 3, insert the following new paragraph:

''(3) CONSULTATION WITH THE ATTORNEY GENERAL.—The Commission shall notify the Attorney General promptly of any verification submitted for approval under this subsection, and shall identify any verification that, if approved, would relieve the Bell operating company and its affiliates of the prohibition concerning manufacturing contained in section 271(a). Before making any determination under this subsection, the Commission shall consult with the Attorney General, and if the Attorney General submits any comments in writing, such comments shall be included in the record of the Commission's decision. In consulting with and submitting comments to the Commission under this paragraph, the Attorney General shall provide to the Commission an evaluation of whether there is a dangerous probability that the Bell operating company or its affiliates would successfully use market power to substantially impede competition in the market such company seeks to enter. In consulting with and submitting comments to the Commission under this paragraph with respect to a verification that, if approved, would relieve the Bell operating company and its affiliates of the prohibition concerning manufacturing contained in section 271(a), the Attorney General shall also provide to the Commission an evaluation of whether there is a dangerous probability that the Bell operating company or its affiliates would successfully use market power to substantially impede competition in manufacturing.

Page 27, lines 4 and 12, redesignate paragraphs (3) and (4) as paragraphs (4) and (5), respectively.

[9. Out-of-Region Services]

Page 31, after line 21, insert the following new subsection (and redesignate the succeeding subsections accordingly):

''(h) OUT-OF-REGION SERVICES.—When a Bell operating company and its affiliates have obtained Commission approval under subsection (c) for each State in which such Bell operating company and its affiliates provide telephone exchange service on the date of enactment of this part, such Bell operating company and any affiliate thereof may, notwithstanding subsection (e), provide interLATA services—

''(1) for calls originating in, and billed to a customer in, a State in which neither such company nor any affiliate provided telephone exchange service on such date of enactment; or

''(2) for calls originating outside the United States.

Page 30, beginning on line 20, strike ''between local access and transport areas within a cable system franchise area'' and insert ''and that is located within a State''.

[10. Separate Subsidiary]

At each of the following locations insert ''interLATA'' before ''information'': Page 33, line 8; page 35, lines 9, 16, and 20; and page 36, lines 3 and 10.

Page 33, line 11, after the period insert the following: ''The requirements of this section shall not apply with respect to (1) activities in which a Bell operating company or affiliate may engage pursuant to section 245(f), or (2) incidental services in which a Bell operating company or affiliate may engage pursuant to section 245(g), other than services described in paragraph (4) of such section.''.

Page 37, beginning on line 20, strike subsection (k) and insert the following:

''(k) SUNSET.—The provisions of this section shall cease to apply to any Bell operating company in any State 18 months after the date such Bell operating company is authorized pursuant to section 245(c) to provide interLATA telecommunications services in such State.

[11. Pricing Flexibility: Prohibition on Cross Subsidies]

Page 42, after line 22, insert the following new paragraph:

''(4) RESPONSE TO COMPETITION.—Pricing flexibility implemented pursuant to this subsection shall permit regulated telecommunications providers to respond fairly to competition by repricing services subject to competition, but shall not have the effect of changing prices for noncompetitive services or using noncompetitive services to subsidize competitive services.

[12. Accessibility]

Page 47, beginning on line 17, strike ''whenever an undue burden'' and all that follows through ''paragraph (1),'' on line 19 and insert the following: ''whenever the requirements of paragraph (1) are not readily achievable,''.

Page 47, beginning on line 24, strike ''would result in'' and all that follows through line 25 and insert the following: ''is not readily achievable.''.

Page 48, beginning on line 1, strike paragraphs (3) and (4) through page 49, line 7, and insert the following:

''(3) READILY ACHIEVABLE.—The term 'readily achievable' has the meaning given it by section 301(g) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(g)).

Page 49, line 8, redesignate paragraph (5) as paragraph (4).

[13. Media Voices]

Page 50, line 5, strike ''points of view'' and insert ''media voices''.

[14. Slamming]

Page 50, line 23, insert ''(a) PROHIBITION.—'' before ''No common carrier'', and on page 51, after line 4, insert the following new subsection:

''(b) LIABILITY FOR CHARGES.—Any common carrier that violates the verification procedures described in subsection (a) and that collects charges for telephone exchange service or telephone toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to all charges paid by such subscriber after such violation, in accordance with such procedures as the Commission may prescribe. The remedies provided by this subsection are in addition to any other remedies available by law.

[15. Study Frequency]

Page 51, line 6, strike ''At least once every three years,'' and insert ''Within 3 years after the date of enactment of this part,''.

[16. Territorial Exemption]

Page 51, beginning on line 23, strike section 253 through page 52, line 6, and conform the table of contents accordingly.

Page 51, insert close quotation marks and a period at the end of line 22.

[17. Manufacturing Separate Subsidiary]

Page 54, beginning on line 5, strike subsections (a) and (b) and insert the following:

''(a) LIMITATIONS ON MANUFACTURING.—

''(1) ACCESS AND INTERCONNECTION REQUIRED.—It shall be unlawful for a Bell operating company, directly or through an affiliate, to manufacture telecommunications equipment or customer premises equipment, until the Commission has approved under section 245(c) verifications that such Bell operating company, and each Bell operating company with which it is affiliated, are in compliance with the access and interconnection requirements of part II of this title.

''(2) SEPARATE SUBSIDIARY REQUIRED.—During the first 18 months after the expiration of the limitation contained in paragraph (1), a Bell operating company may engage in manufacturing telecommunications equipment or customer premises equipment only

through a separate subsidiary established and operated in accordance with section 246.

''(b) COLLABORATION; RESEARCH AND ROYALTY AGREEMENTS.—

''(1) COLLABORATION.—Subsection (a) shall not prohibit a Bell operating company from engaging in close collaboration with any manufacturer of customer premises equipment or telecommunications equipment during the design and development of hardware, software, or combinations thereof related to such equipment.

''(2) RESEARCH; ROYALTY AGREEMENTS.—Subsection (a) shall not prohibit a Bell operating company, directly or through an subsidiary, from—

''(A) engaging in any research activities related to manufacturing, and

''(B) entering into royalty agreements with manufacturers of telecommunications equipment.

[18. Manufacturing by Standard-Setting Organizations]

Page 56, beginning on line 1, strike subsection (d) through page 57, line 11, and insert the following:

''(d) MANUFACTURING LIMITATIONS FOR STANDARD-SETTING ORGANIZATIONS.—

''(1) APPLICATION TO BELL COMMUNICATIONS RESEARCH OR MANUFACTURERS.—Bell Communications Research, Inc., or any successor entity or affiliate—

''(A) shall not be considered a Bell operating company or a successor or assign of a Bell operating company at such time as it is no longer an affiliate of any Bell operating company; and

''(B) notwithstanding paragraph (3), shall not engage in manufacturing telecommunications equipment or customer premises equipment as long as it is an affiliate of more than 1 otherwise unaffiliated Bell operating company or successor or assign of any such company.

Nothing in this subsection prohibits Bell Communications Research, Inc., or any successor entity, from engaging in any activity in which it is lawfully engaged on the date of enactment of this subsection. Nothing provided in this subsection shall render Bell Communications Research, Inc., or any successor entity, a common carrier under title II of this Act. Nothing in this section restricts any manufacturer from engaging in any activity in which it is lawfully engaged on the date of enactment of this section.

''(2) PROPRIETARY INFORMATION.—Any entity which establishes standards for telecommunications equipment or customer premises equipment, or generic network requirements for such equipment, or certifies telecommunications equipment, or customer premises equipment, shall be prohibited from releasing or otherwise using any proprietary information, designated as such by its owner, in its possession as a result of such activity, for any purpose other than purposes authorized in writing by the owner of such information, even after such entity ceases to be so engaged.

''(3) MANUFACTURING SAFEGUARDS.—(A) Except as prohibited in paragraph (1), and subject to paragraph (6), any entity which certifies telecommunications equipment or customer premises equipment manufactured by an unaffiliated entity shall only manufacture a particular class of telecommunications equipment or customer premises equipment for which it is undertaking or has undertaken, during the previous 18 months, certification activity for such class of equipment through a separate affiliate.

''(B) Such separate affiliate shall—

''(i) maintain books, records, and accounts separate from those of the entity that certifies such equipment, consistent with generally acceptable accounting principles;

''(ii) not engage in any joint manufacturing activities with such entity; and

''(iii) have segregated facilities and separate employees with such entity.

''(C) Such entity that certifies such equipment shall—

''(i) not discriminate in favor of its manufacturing affiliate in the establishment of standards, generic requirements, or product certification;

''(ii) not disclose to the manufacturing affiliate any proprietary information that has been received at any time from an unaffiliated manufacturer, unless authorized in writing by the owner of the information; and

''(iii) not permit any employee engaged in product certification for telecommunications equipment or customer premises equipment to engage jointly in sales or marketing of any such equipment with the affiliated manufacturer.

''(4) STANDARD-SETTING ENTITIES.—Any entity which is not an accredited standards development organization and which establishes industry-wide standards for telecommunications equipment or customer premises equipment, or industry-wide generic network requirements for such equipment, or which certifies telecommunications equipment or customer premises equipment manufactured by an unaffiliated entity, shall—

''(A) establish and publish any industry-wide standard for, industry-wide generic requirement for, or any substantial modification of an existing industry-wide standard or industry-wide generic requirement for, telecommunications equipment or customer premises equipment only in compliance with the following procedure:

''(i) such entity shall issue a public notice of its consideration of a proposed industry-wide standard or industry-wide generic requirement;

''(ii) such entity shall issue a public invitation to interested industry parties to fund and participate in such efforts on a reasonable and nondiscriminatory basis, administered in such a manner as not to unreasonably exclude any interested industry party;

''(iii) such entity shall publish a text for comment by such parties as have agreed to participate in the process pursuant to clause (ii), provide such parties a full opportunity to submit comments, and respond to comments from such parties;

''(iv) such entity shall publish a final text of the industry-wide standard or industry-wide generic requirement, including the comments in their entirety, of any funding party which requests to have its comments so published;

''(v) such entity shall attempt, prior to publishing a text for comment, to agree with the funding parties as a group on a mutually satisfactory dispute resolution process which such parties shall utilize as their sole recourse in the event of a dispute on technical issues as to which there is disagreement between any funding party and the entity conducting such activities, except that if no dispute resolution process is agreed to by all the parties, a funding party may utilize the dispute resolution procedures established pursuant to paragraph (5) of this subsection;

''(B) engage in product certification for telecommunications equipment or customer premises equipment manufactured by unaffiliated entities only if—

''(i) such activity is performed pursuant to published criteria;

''(ii) such activity is performed pursuant to auditable criteria; and

''(iii) such activity is performed pursuant to available industry-accepted testing methods and standards, where applicable, unless otherwise agreed upon by the parties funding and performing such activity;

''(C) not undertake any actions to monopolize or attempt to monopolize the market for such services; and

''(D) not preferentially treat its own telecommunications equipment or customer premises equipment, or that of its affiliate, over that of any other entity in establishing and publishing industry-wide standards or industry-wide generic requirements for, and in certification of, telecommunications equipment and customer premises equipment.

''(5) ALTERNATE DISPUTE RESOLUTION.—Within 90 days after the date of enactment of this section, the Commission shall prescribe a dispute resolution process to be utilized in the event that a dispute resolution process is not agreed upon by all the parties when establishing and publishing any industry-wide standard or industry-wide generic requirement for telecommunications equipment or customer premises equipment, pursuant to paragraph (4)(A)(v). The Commission shall not establish itself as a party to the dispute resolution process. Such dispute resolution process shall permit any funding party to resolve a dispute with the entity conducting the activity that significantly affects such funding party's interests, in an open, nondiscriminatory, and unbiased fashion, within 30 days after the filing of such dispute. Such disputes may be filed within 15 days after the date the funding party receives a response to its comments from the entity conducting the activity. The Commission shall establish penalties to be assessed for delays caused by referral of frivolous disputes to the dispute resolution process. The overall intent of establishing this dispute resolution provision is to enable all interested funding parties an equal opportunity to influence the final resolution of the dispute without significantly impairing the efficiency, timeliness, and technical quality of the activity.

''(6) SUNSET.—The requirements of paragraphs (3) and (4) shall terminate for the particular relevant activity when the Commission determines that there are alternative sources of industry-wide standards, industry-wide generic requirements, or product certification for a particular class of telecommunications equipment or customer premises equipment available in the United States. Alternative sources shall be deemed to exist when such sources provide commercially viable alternatives that are providing such services to customers. The Commission shall act on any application for such a determination within 90 days after receipt of such application, and shall receive public comment on such application.

''(7) ADMINISTRATION AND ENFORCEMENT AUTHORITY.—For the purposes of administering this subsection and the regulations prescribed thereunder, the Commission shall have the same remedial authority as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier subject to this Act.

''(8) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'affiliate' shall have the same meaning as in section 3 of this Act, except that, for purposes of paragraph (1)(B)—

''(i) an aggregate voting equity interest in Bell Communications Research, Inc., of at least 5 percent of its total voting equity, owned directly or indirectly by more than 1 otherwise unaffiliated Bell operating company, shall constitute an affiliate relationship; and

''(ii) a voting equity interest in Bell Communications Research, Inc., by any otherwise unaffiliated Bell operating company of less than 1 percent of Bell Communications Research's total voting equity shall not be considered to be an equity interest under this paragraph.

''(B) The term 'generic requirement' means a description of acceptable product attributes for use by local exchange carriers in establishing product specifications for the purchase of telecommunications equipment, customer premises equipment, and software integral thereto.

''(C) The term 'industry-wide' means activities funded by or performed on behalf of local exchange carriers for use in providing wireline local exchange service whose combined total of deployed access lines in the United States constitutes at least 30 percent of all access lines deployed by telecommunications carriers in the United States as of the date of enactment.

''(D) The term 'certification' means any technical process whereby a party determines whether a product, for use by more than one local exchange carrier, conforms with the specified requirements pertaining to such product.

''(E) The term 'accredited standards development organization' means an entity composed of industry members which has been accredited by an institution vested with the responsibility for standards accreditation by the industry.

[19. Electronic Publishing]

Page 64, after line 21, insert the following new subsection (and redesignate the succeeding subsections accordingly):

''(d) BELL OPERATING COMPANY REQUIREMENT.—A Bell operating company under common ownership or control with a separated affiliate or electronic publishing joint venture shall provide network access and interconnections for basic telephone service to electronic publishers at just and reasonable rates that are tariffed (so long as rates for such services are subject to regulation) and that are not higher on a per-unit basis than those charged for such services to any other electronic publisher or any separated affiliate engaged in electronic publishing.

Page 69, line 4, strike ''wireline telephone exchange service'' and insert ''any wireline telephone exchange service, or wireline telephone exchange service facility,''.

[20. Alarm Monitoring]

Page 71, beginning on line 17, strike ''1995, except that'' and all that follows through line 21 and insert ''1995.''.

[21. CMRS Joint Marketing]

Page 78, line 17, strike the close quotation marks and following period and after line 17, insert the following new subsection:

''(c) COMMERCIAL MOBILE SERVICE JOINT MARKETING.—Notwithstanding section 22.903 of the Commission's regulations (47 C.F.R. 22.903) or any other Commission regulation, or any judicial decree or proposed judicial decree, a Bell operating company or any other company may, except as provided in sections 242(d) and 246 as they relate to wireline service, jointly market and sell commercial mobile services in conjunction with telephone exchange service, exchange access, intraLATA telecommunications service, interLATA telecommunications service, and information services.''.

[22. Online Family Empowerment]

Page 78, before line 18, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 104. ONLINE FAMILY EMPOWERMENT.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by inserting after section 230 (as added by section 103 of this Act) the following new section:

''SEC. 231. PROTECTION FOR PRIVATE BLOCKING AND SCREENING OF OFFENSIVE MATERIAL; FCC CONTENT AND ECONOMIC REGULATION OF COMPUTER SERVICES PROHIBITED.

''(a) FINDINGS.—The Congress finds the following:

''(1) The rapidly developing array of Internet and other interactive computer services available to individual Americans represent an extraordinary advance in the availability of educational and informational resources to our citizens.

''(2) These services offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology develops.

''(3) The Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity.

''(4) The Internet and other interactive computer services have flourished, to the benefit of all Americans, with a minimum of government regulation.

''(5) Increasingly Americans are relying on interactive media for a variety of political, educational, cultural, and entertainment services.

''(b) POLICY.—It is the policy of the United States to—

''(1) promote the continued development of the Internet and other interactive computer services and other interactive media;

''(2) preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by State or Federal regulation;

''(3) encourage the development of technologies which maximize user control over the information received by individuals, families, and schools who use the Internet and other interactive computer services;

''(4) remove disincentives for the development and utilization of blocking and filtering technologies that empower parents to restrict their children's access to objectionable or inappropriate online material; and

''(5) ensure vigorous enforcement of criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.

''(c) PROTECTION FOR 'GOOD SAMARITAN' BLOCKING AND SCREENING OF OFFENSIVE MATERIAL.—No provider or user of interactive computer services shall be treated as the publisher or speaker of any information provided by an information content provider. No provider or user of interactive computer services shall be held liable on account of—

''(1) any action voluntarily taken in good faith to restrict access to material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or

''(2) any action taken to make available to information content providers or others the technical means to restrict access to material described in paragraph (1).

''(d) FCC REGULATION OF THE INTERNET AND OTHER INTERACTIVE COMPUTER SERVICES PROHIBITED.—Nothing in this Act shall be construed to grant any jurisdiction or authority to the Commission with respect to content or other regulation of the Internet or other interactive computer services.

''(e) EFFECT ON OTHER LAWS.—

''(1) NO EFFECT ON CRIMINAL LAW.—Nothing in this section shall be construed to impair the enforcement of section 223 of this Act, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

''(2) NO EFFECT ON INTELLECTUAL PROPERTY LAW.—Nothing in this section shall be construed to limit or expand any law pertaining to intellectual property.

''(3) IN GENERAL.—Nothing in this section shall be construed to prevent any State from enforcing any State law that is consistent with this section.

''(f) DEFINITIONS.—As used in this section:

''(1) INTERNET.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

''(2) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service that provides computer access to multiple users via modem to a remote computer server, including specifically a service that provides access to the Internet.

''(3) INFORMATION CONTENT PROVIDER.—The term 'information content provider' means any person or entity that is responsible, in whole or in part, for the creation or development of information provided by the Internet or any other interactive computer service, including any person or entity that creates or develops blocking or screening software or other techniques to permit user control over offensive material.''.

[23. Forbearance]

Page 77, line 20, strike ''if the Commission'' and insert ''unless the Commission''.

Page 77, line 23, and page 78, line 4, strike ''is not necessary'' and insert ''is necessary''.

Page 78, line 4, strike ''and'' and insert ''or''.

Page 78, line 6, strike ''is consistent'' and insert ''is inconsistent''.

[24. Pole Attachments]

Page 87, line 1, after ''ensuring that'' insert the following: , when the parties fail to negotiate a mutually agreeable rate,''.

Page 87, line 9, insert ''to'' after ''benefit'', and on line 11, strike ''attachments'' and insert ''attaching entities''.

Page 87, line 16, strike ''and''; on line 17, redesignate subparagraph (C) as subparagraph (D); and after line 16 insert the following new subparagraph:

''(C) recognize that the pole, duct, conduit, or right-of-way has a value that exceeds costs and that value shall be reflected in any rate; and

[25. Required Telecommunications Services]

Page 89, line 21, strike ''A franchising'' and insert ''Except as otherwise permitted by sections 611 and 612, a franchising''.

Page 89, line 23, before ''as a condition'' insert the following: '', other than intragovernmental telecommunications services,''.

[26. Facilities Siting]

Page 90, beginning on line 11, strike paragraph (7) through line 6 on page 93 and insert the following:

''(7) FACILITIES SITING POLICIES.—(A) Within 180 days after enactment of this paragraph, the Commission shall prescribe and make effective a policy to reconcile State and local regulation of the siting of facilities for the provision of commercial mobile services or unlicensed services with the public interest in fostering competition through the rapid, efficient, and nationwide deployment of commercial mobile services or unlicensed services.

''(B) Pursuant to subchapter III of chapter 5, title 5, United States Code, the Commission shall establish a negotiated rulemaking committee to negotiate and develop a proposed policy to comply with the requirements of this paragraph. Such committee shall include representatives from State and local governments, affected industries, and public safety agencies.

''(C) The policy prescribed pursuant to this subparagraph shall take into account—

''(i) the need to enhance the coverage and quality of commercial mobile services and unlicensed services and foster competition in the provision of commercial mobile services and unlicensed services on a timely basis;

''(ii) the legitimate interests of State and local governments in matters of exclusively local concern, and the need to provide State and local government with maximum flexibility to address such local concerns, while ensuring that such interests do not prohibit or have the effect of precluding any commercial mobile service or unlicensed service;

''(iii) the effect of State and local regulation of facilities siting on interstate commerce;

''(iv) the administrative costs to State and local governments of reviewing requests for authorization to locate facilities for the provision of commercial mobile services or unlicensed services; and

''(v) the need to provide due process in making any decision by a State or local government or instrumentality thereof to grant or deny a request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services or unlicensed services.

''(D) The policy prescribed pursuant to this paragraph shall provide that no State or local government or any instrumentality thereof may regulate the placement, construction, modification, or operation of such facilities on the basis of the environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission's regulations concerning such emissions.

''(E) The proceeding to prescribe such policy pursuant to this paragraph shall supercede any proceeding pending on the date of enactment of this paragraph relating to preemption of State and local regulation of tower siting for commercial mobile services, unlicensed services, and providers thereof. In accordance with subchapter III of chapter 5, title 5, United States Code, the Commission shall periodically establish a negotiated rulemaking committee to review the policy prescribed by the Commission under this paragraph and to recommend revisions to such policy.

''(F) For purposes of this paragraph, the term 'unlicensed service' means the offering of telecommunications using duly authorized devices which do not require individual licenses.''.

Page 94, line 2, strike ''cost-based''.

[27. Telecommunications Development Fund]

Page 101, after line 23, insert the following new section (and redesignate the succeeding section and conform the table of contents accordingly):

SEC. 111. TELECOMMUNICATIONS DEVELOPMENT FUND.

(a) DEPOSIT AND USE OF AUCTION ESCROW ACCOUNTS.—Section 309(j)(8) of the Act (47 U.S.C. 309(j)(8)) is amended by adding at the end the following new subparagraph:

''(C) DEPOSIT AND USE OF AUCTION ESCROW ACCOUNTS.—Any deposits the Commission may require for the qualification of any person to bid in a system of competitive bidding pursuant to this subsection shall be deposited in an interest bearing account at a financial institution designated for purposes of this subsection by the Commission (after consultation with the Secretary of the Treasury). Within 45 days following the conclusion of the competitive bidding—

''(i) the deposits of successful bidders shall be paid to the Treasury;

''(ii) the deposits of unsuccessful bidders shall be returned to such bidders; and

''(iii) the interest accrued to the account shall be transferred to the Telecommunications Development Fund established pursuant to section 10 of this Act.''.

(b) ESTABLISHMENT AND OPERATION OF FUND.—Title I of the Act is amended by adding at the end the following new section:

''SEC. 10. TELECOMMUNICATIONS DEVELOPMENT FUND.

''(a) PURPOSE OF SECTION.—It is the purpose of this section—

''(1) to promote access to capital for small businesses in order to enhance competition in the telecommunications industry;

''(2) to stimulate new technology development, and promote employment and training; and

''(3) to support universal service and promote delivery of telecommunications services to underserved rural and urban areas.

''(b) ESTABLISHMENT OF FUND.—There is hereby established a body corporate to be known as the Telecommunications Development Fund, which shall have succession until dissolved. The Fund shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue and jurisdiction in civil actions, to be a resident and citizen thereof.

''(c) BOARD OF DIRECTORS.—

''(1) COMPOSITION OF BOARD; CHAIRMAN.—The Fund shall have a Board of Directors which shall consist of 7 persons appointed by the Chairman of the Commission. Four of such directors shall be representative of the private sector and three of such directors shall be representative of the Commission, the Small Business Administration, and the Department of the Treasury, respectively. The Chairman of the Commission shall appoint one of the representatives of the private sector to serve as chairman of the Fund within 30 days after the date of enactment of this section, in order to facilitate rapid creation and implementation of the Fund. The directors shall include members with experience in a number of the following areas: finance, investment banking, government banking, communications law and administrative practice, and public policy.

''(2) TERMS OF APPOINTED AND ELECTED MEMBERS.—The directors shall be eligible to serve for terms of 5 years, except of the initial members, as designated at the time of their appointment—

''(A) 1 shall be eligible to service for a term of 1 year;

''(B) 1 shall be eligible to service for a term of 2 years;

''(C) 1 shall be eligible to service for a term of 3 years;

''(D) 2 shall be eligible to service for a term of 4 years; and

''(E) 2 shall be eligible to service for a term of 5 years (1 of whom shall be the Chairman).

Directors may continue to serve until their successors have been appointed and have qualified.

''(3) MEETINGS AND FUNCTIONS OF THE BOARD.—The Board of Directors shall meet at the call of its Chairman, but at least quarterly. The Board shall determine the general policies which shall govern the operations of the Fund. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the officers of the Fund and shall discharge all such functions, powers, and duties.

''(d) ACCOUNTS OF THE FUND.—The Fund shall maintain its accounts at a financial institution designated for purposes of this section by the Chairman of the Board (after consultation with the Commission and the Secretary of the Treasury). The accounts of the Fund shall consist of—

''(1) interest transferred pursuant to section 309(j)(8)(C) of this Act;

''(2) such sums as may be appropriated to the Commission for advances to the Fund;

''(3) any contributions or donations to the Fund that are accepted by the Fund; and

''(4) any repayment of, or other payment made with respect to, loans, equity, or other extensions of credit made from the Fund.

''(e) USE OF THE FUND.—All moneys deposited into the accounts of the Fund shall be used solely for—

''(1) the making of loans, investments, or other extensions of credits to eligible small businesses in accordance with subsection (f);

''(2) the provision of financial advise to eligible small businesses;

''(3) expenses for the administration and management of the Fund;

''(4) preparation of research, studies, or financial analyses; and

''(5) other services consistent with the purposes of this section.

''(f) LENDING AND CREDIT OPERATIONS.—Loans or other extensions of credit from the Fund shall be made available to eligible small business on the basis of—

''(1) the analysis of the business plan of the eligible small business;

''(2) the reasonable availability of collateral to secure the loan or credit extension;

''(3) the extent to which the loan or credit extension promotes the purposes of this section; and

''(4) other lending policies as defined by the Board.

''(g) RETURN OF ADVANCES.—Any advances appropriated pursuant to subsection (b)(2) shall be upon such terms and conditions (including conditions relating to the time or times of repayment) as the Board determines will best carry out the purposes of this section, in light of the maturity and solvency of the Fund.

''(h) GENERAL CORPORATE POWERS.—The Fund shall have power—

''(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

''(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

''(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

''(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

''(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

''(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Fund;

''(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

''(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them, and fix the penalty thereof; and

''(9) to enter into contracts, to execute instruments, to incur liabilities, to make loans and equity investment, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

''(i) ACCOUNTING, AUDITING, AND REPORTING.—The accounts of the Fund shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants. A report of each such audit shall be furnished to the Secretary of the Treasury and the Commission. The representatives of the Secretary and the Commission shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Fund and necessary to facilitate the audit.

''(j) REPORT ON AUDITS BY TREASURY.—A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than 6 months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Fund, together with such recommendations with respect thereto as the Secretary may deem advisable.

''(k) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE SMALL BUSINESS.—The term 'eligible small business' means business enterprises engaged in the telecommunications industry that have $50,000,000 or less in annual revenues, on average over the past 3 years prior to submitting the application under this section.

''(2) FUND.—The term 'Fund' means the Telecommunications Development Fund established pursuant to this section.

''(3) TELECOMMUNICATIONS INDUSTRY.—The term 'telecommunications industry' means communications businesses using regulated or unregulated facilities or services and includes the broadcasting, telephony, cable, computer, data transmission, software, programming, advanced messaging, and electronics businesses.''.

[28. Telemedicine Report]

Page 101, after line 23, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 112. REPORT ON THE USE OF ADVANCED TELECOMMUNICATIONS SERVICES FOR MEDICAL PURPOSES.

The Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Health and Human Services and other appropriate departments and agencies, shall submit a report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate concerning the activities of the Joint Working Group on Telemedicine, together with any findings reached in the studies and demonstrations on telemedicine funded by the Public Health Service or other Federal agencies. The report shall examine questions related to patient safety, the efficacy and quality of the services provided, and other legal, medical, and economic issues related to the utilization of advanced telecommunications services for medical purposes. The report shall be submitted to the respective Committees annually, by January 31, beginning in 1996.

Page 101, after line 23, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 113. TELECOMMUTING PUBLIC INFORMATION PROGRAM.

(a) TELECOMMUTING RESEARCH PROGRAMS AND PUBLIC INFORMATION DISSEMINATION.—The Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Transportation, the Secretary of Labor, and the Administrator of the Environmental Protection Agency, shall, within three months of the date of enactment of this Act, carry out research to identify successful telecommuting programs in the public and private sectors and provide for the dissemination to the public of information regarding—

(1) the establishment of successful telecommuting programs; and

(2) the benefits and costs of telecommuting.

(b) REPORT.—Within one year of the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall report to Congress the findings, conclusions, and recommendations regarding telecommuting developed under this section.

[29. Video Platform]

Page 103, line 13, insert ''(other than section 652)'' after ''part V''.

Page 104, strike lines 3 through 5 and insert the following:

''(iii) has not established a video platform in accordance with section 653.''.

Page 109, line 24, strike ''shall'' and insert ''may''.

Page 113, line 1, strike ''15 months'' and insert ''6 months''.

Page 113, line 25, after ''concerning'' insert the following: ''sports exclusivity (47 C.F.R. 76.67),'', and on page 114, line 1, after the close parenthesis insert a comma.

Page 115, beginning on line 20, strike paragraph (2) through page 116, line 4, and on page 116, line 5, redesignate subsection (c) as paragraph (2).

Page 116, beginning on line 9, strike subsection (d) through line 15.

Page 130, line 22, before ''the Commission'' insert ''270 days have elapsed since''.

[30. Cable Complaint Threshold]

Page 127, line 4, strike ''5 percent'' and insert ''3 percent''.

[31. Navigation Devices]

Page 136, beginning on line 24, strike ''Such regulations'' and all that follows through the period on page 137, line 2.

Page 137, line 7, strike ''bundled with or''.

Page 137, after line 8, insert the following new subsection (and redesignate the succeeding subsections accordingly):

''(c) PROTECTION OF SYSTEM SECURITY.—The Commission shall not prescribe regulations pursuant to subsection (b) which would jeopardize the security of a telecommunications system or impede the legal rights of a provider of such service to prevent theft of service.

Page 137, line 10, strike ''may'' and insert ''shall''.

Page 137, line 13, strike ''the introduction of a new'' and insert ''assist the development or introduction of a new or improved''.

Page 137, line 14, insert ''or technology'' after ''service''.

Page 137, after line 14, insert the following new subsection (and redesignate the succeeding subsection accordingly):

''(e) AVOIDANCE OF REDUNDANT REGULATIONS.—

''(1) MARKET COMPETITIVENESS DETERMINATIONS.—Determinations made or regulations prescribed by the Commission with respect to market competitiveness of customer premises equipment prior to the date of enactment of this section shall fulfill the requirements of this section.

''(2) REGULATIONS.—Nothing in this section affects the Commission's regulations governing the interconnection and competitive provision of customer premises equipment used in connection with basic telephone service.

[32. Cable/Broadcast/MMDS Cross Ownership]

Page 154, lines 9 and 10, strike subsection (b) and insert the following:

(b) CONFORMING AMENDMENTS.—Section 613(a) of the Act (47 U.S.C. 533(a)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as subsection (a);

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(4) by striking ''and'' at the end of paragraph (1) (as so redesignated);

(5) by striking the period at the end of paragraph (2) (as so redesignated) and inserting ''; and''; and

(6) by adding at the end the following new paragraph:

''(3) shall not apply the requirements of this paragraph in any area in which there are two or more unaffiliated wireline providers of video programming services.''

[33. Foreign Ownership]

Page 155, line 8, insert ''held,'' after ''granted,''.

Page 155, beginning on line 12, strike subparagraph (A) through line 19 and insert the following:

''(A) the President determines—

''(i) that the foreign country of which such alien is a citizen, in which such corporation is organized, or in which the foreign government is in control is party to an international agreement which requires the United States to provide national or most-favored-nation treatment in the grant of common carrier licenses; and

''(ii) that not applying subsection (b) would be consistent with national security and effective law enforcement; or

Page 155, beginning on line 23, strike paragraphs (2) through (5) through page 157, line 21, and insert the following:

''(2) COMMISSION CONSIDERATIONS.—In making its determination under paragraph (1), the Commission shall abide by any decision of the President whether application of section (b) is in the public interest due to national security, law enforcement, foreign policy or trade (including direct investment as it relates to international trade policy) concerns, or due to the interpretation of international agreements. In the absence of a decision by the President, the Commission may consider, among other public interest factors, whether effective competitive opportunities are available to United States nationals or corporations in the applicant's home market. Upon receipt of an application that requires a determination under this paragraph, the Commission shall cause notice of the application to be given to the President or any agencies designated by the President to receive such notification. The Commission shall not make a determination under paragraph (1)(B) earlier than 30 days after the end of the pleading cycle or later than 180 days after the end of the pleading cycle.

''(3) FURTHER COMMISSION REVIEW.—The Commission may determine that, due to changed circumstances relating to United States national security or law enforcement, a prior determination under paragraph (1) ought to be reversed or altered. In making this determination, the Commission shall accord great deference to any recommendation of the President with respect to United States national security or law enforcement. If a determination under this paragraph is made then—

''(A) subsection (b) shall apply with respect to such aliens, corporation, and government (or their representatives) on the date that the Commission publishes notice of its determination under this paragraph; and

''(B) any license held, or application filed, which could not be held or granted under subsection (b) shall be reviewed by the Commission under the provisions of paragraphs (1)(B) and (2).

''(4) NOTIFICATION TO CONGRESS.—The President and the Commission shall notify the appropriate committees of the Congress of any determinations made under paragraph (1), (2), or (3).

''(5) MISCELLANEOUS.—Any Presidential decisions made under the provisions of this subsection shall not be subject to judicial review.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall not apply to any proceeding commenced before the date of enactment of this Act.

[34. License Renewal]

Page 161, beginning on line 18, strike ''filed on or after May 31, 1995'' and insert ''pending or filed on or after the date of enactment of this Act''.

[35. Ship Distress and Safety Systems]

Page 162, beginning on line 1, strike section 307 through line 8 and insert the following:

SEC. 307. AUTOMATED SHIP DISTRESS AND SAFETY SYSTEMS.

Notwithstanding any provision of the Communications Act of 1934 or any other provision of law or regulation, a ship documented under the laws of the United States operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety of Life at Sea Convention shall not be required to be equipped with a radio telegraphy station operated by one or more radio officers or operators. This section shall take effect for each vessel upon a determination by the United States Coast Guard that such vessel has the equipment required to implement the Global Maritime Distress and Safety System installed and operating in good working condition.

[36. Certification and Testing of Equipment]

Page 162, after line 22, insert the following new section (and conform the table of contents accordingly):

SEC. 310. DELEGATION OF EQUIPMENT TESTING AND CERTIFICATION TO PRIVATE LABORATORIES.

Section 302 of the Act (47 U.S.C. 302) is amended by adding at the end the following:

''(e) USE OF PRIVATE ORGANIZATIONS FOR TESTING AND CERTIFICATION.—The Commission may—

''(1) authorize the use of private organizations for testing and certifying the compliance of devices or home electronic equipment and systems with regulations promulgated under this section;

''(2) accept as prima facie evidence of such compliance the certification by any such organization; and

''(3) establish such qualifications and standards as it deems appropriate for such private organizations, testing, and certification.''.

[37. Supersession]

Page 163, beginning on line 4, strike subsection (a) through page 164, line 19, and insert the following:

(a) MODIFICATION OF FINAL JUDGMENT.—This Act and the amendments made by title I of this Act shall supersede only the following sections of the Modification of Final Judgment:

(1) Section II(C) of the Modification of Final Judgment, relating to deadline for procedures for equal access compliance.

(2) Section II(D) of the Modification of Final Judgment, relating to line of business restrictions.

(3) Section VIII(A) of the Modification of Final Judgment, relating to manufacturing restrictions.

(4) Section VIII(C) of the Modification of Final Judgment, relating to standard for entry into the interexchange market.

(5) Section VIII(D) of the Modification of Final Judgment, relating to prohibition on entry into electronic publishing.

(6) Section VIII(H) of the Modification of Final Judgment, relating to debt ratios at the time of transfer.

(7) Section VIII(J) of the Modification of Final Judgment, relating to prohibition on implementation of the plan of reorganization before court approval.

Page 164, line 20, insert ''or in the amendments made by this Act'' after ''this Act''.

Page 164, beginning on line 23, strike ''Except as provided in paragraph (2), parts'' and insert ''Parts''.

Page 165, beginning on line 3, strike paragraph (2) through line 6 and insert the following:

''(2) STATE TAX SAVINGS PROVISION.—Notwithstanding paragraph (1), nothing in this Act or the amendments made by this Act shall be construed to modify, impair, or supersede, or authorize the modification, impairment, or supersession of, any State or local law pertaining to taxation, except as provided in sections 243(e) and 622 of the Communications Act of 1934 and section 402 of this Act.''.

Page 166, after line 5, insert the following new subsection:

(g) ADDITIONAL DEFINITIONS.—As used in this section, the terms ''Modification of Final Judgment'' and ''Bell operating company'' have the same meanings provided such terms in section 3 of the Communications Act of 1934.

[38. 1984 Consent Decree]

Page 165, beginning on line 7, strike subsection (d) through line 15 and insert the following:

(d) APPLICATION TO OTHER ACTION.—This Act shall supersede the final judgment entered December 21, 1984 and as restated January 11, 1985, in the action styled United States v. GTE Corp., Civil Action No. 83–1298, in the United States District Court for the District of Columbia, and any judgment or order with respect to such action entered on or after December 21, 1984, and such final judgment shall not be enforced with respect to conduct occurring after the date of the enactment of this Act.

[39. Wireless Successors]

Page 165, beginning on line 17, strike ''subject to the provisions'' and insert ''considered to be an affiliate, a successor, or an assign of a Bell operating company under section III''.

[40. DBS Taxation]

Beginning on page 166, strike line 6 and all that follows through line 20 of page 167, and insert the following:

SEC. 402. PREEMPTION OF LOCAL TAXATION WITH RESPECT TO DBS SERVICE.

(a) PREEMPTION.—A provider of direct-to-home satellite service shall be exempt from the collection or remittance, or both, of any tax or fee imposed by any local taxing jurisdiction with respect to the provision of direct-to-home satellite service. Nothing in this section shall be construed to exempt from collection or remittance any tax or fee on the sale of equipment.

(b) DEFINITIONS.—For the purposes of this section—

(1) DIRECT-TO-HOME SATELLITE SERVICE.—The term ''direct-to-home satellite service'' means the transmission or broadcasting by satellite of programming directly to the subscribers' premises without the use of ground receiving or distribution equipment, except at the subscribers' premises or in the uplink process to the satellite.

(2) PROVIDER OF DIRECT-TO-HOME SATELLITE SERVICE.—For purposes of this section, a ''provider of direct-to-home satellite service'' means a person who transmits, broadcasts, sells, or distributes direct-to-home satellite service.

(3) LOCAL TAXING JURISDICTION.—The term ''local taxing jurisdiction'' means any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other local jurisdiction in the territorial jurisdiction of the United States with the authority to impose a tax or fee, but does not include a State.

(4) STATE.—The term ''State'' means any of the several States, the District of Columbia, or any territory or possession of the United States.

(5) TAX OR FEE.—The terms ''tax'' and ''fee'' mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license, or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction.

(c) PRESERVATION OF STATE AUTHORITY.—This section shall not be construed to prevent taxation of a provider of direct-to-home satellite service by a State or to prevent a local taxing jurisdiction from receiving revenue derived from a tax or fee imposed and collected by a State.

[41. Protection of Minors]

Page 167, after line 20, insert the following new section (and conform the table of contents accordingly):

SEC. 403. PROTECTION OF MINORS AND CLARIFICATION OF CURRENT LAWS REGARDING COMMUNICATION OF OBSCENE AND INDECENT MATERIALS THROUGH THE USE OF COMPUTERS.

(a) PROTECTION OF MINORS.—

(1) GENERALLY.—Section 1465 of title 18, United States Code, is amended by adding at the end the following:

''Whoever intentionally communicates by computer, in or affecting interstate or foreign commerce, to any person the communicator believes has not attained the age of 18 years, any material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs, or attempts to do so, shall be fined under this title or imprisoned not more than five years, or both.''.

(2) CONFORMING AMENDMENTS RELATING TO FORFEITURE.—

(A) Section 1467(a)(1) of title 18, United States Code, is amended by inserting ''communicated,'' after ''transported,''.

(B) Section 1467 of title 18, United States Code, is amended in subsection (a)(1), by striking ''obscene''.

(C) Section 1469 of title 18, United States Code, is amended by inserting ''communicated,'' after ''transported,'' each place it appears.

(b) CLARIFICATION OF CURRENT LAWS REGARDING COMMUNICATION OF OBSCENE MATERIALS THROUGH THE USE OF COMPUTERS.—

(1) IMPORTATION OR TRANSPORTATION.—Section 1462 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph, by inserting ''(including by computer) after ''thereof''; and

(B) in the second undesignated paragraph—

(i) by inserting ''or receives,'' after ''takes'';

(ii) by inserting '', or by computer,'' after ''common carrier''; and

(iii) by inserting ''or importation'' after ''carriage''.

(2) TRANSPORTATION FOR PURPOSES OF SALE OR DISTRIBUTION.—The first undesignated paragraph of section 1465 of title 18, United States Code, is amended—

(A) by striking ''transports in'' and inserting ''transports or travels in, or uses a facility or means of,'';

(B) by inserting ''(including a computer in or affecting such commerce)'' after ''foreign commerce'' the first place it appears; and

(C) by striking '', or knowingly travels in'' and all that follows through ''obscene material in interstate or foreign commerce,'' and inserting ''of''.

[42. Cable Access]

Page 170, line 21, after the period insert the following: ''For purposes of section 242, such term shall not include the provision of video programming directly to subscribers.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does the gentleman from Texas [Mr. BRYANT] seek the time in opposition?

Mr. BRYANT of Texas. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. Chairman, I rise in strong support of the manager's amendment to H.R. 1555. I am joined in support for that amendment by the distinguished ranking Democrat member of the Commerce Committee, Mr. DINGELL, and the distinguished chairman of the Judiciary Committee, Mr. HYDE.

The manager's amendment makes numerous changes to H.R. 1555, as the bill was reported from the Commerce Committee. Many of these changes reflect the compromise struck between the Commerce and Judiciary Committees on issues over which both committees have jurisdiction. As you know, the Judiciary Committee reported H.R. 1528, which also addresses the AT&T consent decree. The two committees have worked hard to reconcile the different approaches, and I again want to commend Chairman HYDE for his diligence and effort to come to this agreement.

Some of the important issues addressed in that agreement include: The role of the Justice Department relevant to decision on Bell Co. entry into long distance and manufacturing; Bell Co. provision of electronic publishing and alarm monitoring; supersession of the modification of final judgment [MFJ] of the AT&T consent decree; treatment of Bell Co. successors; the GTE consent decree; State and local taxation of direct broadcast satellite systems; and civil and criminal on-line pornography. I believe that we have produced an amendment that satisfies both committees' concerns on these important issues, and I commend these provisions to the Members and urge their support for them.

Additionally, we have addressed the issue of foreign ownership or equity interest in domestic telecommunications companies. This new language reflects the hard work of Messrs. DINGELL and OXLEY, who sponsored the proposal in committee, the administration and myself. I must observe, Mr. Chairman, that the foreign ownership issue is the only matter on which the administration offered specific language to the Commerce Committee, and I believe the administration's concerns have been largely resolved. Conversely, the concerns stated in the President's recent statement on H.R. 1555 have never been accompanied by specific legislative proposals. I think the committee's willingness to work to accommodate specific concerns and proposals speaks for itself.

The amendment also includes several changes to the provision governing Bell Co. entry into long distance and manufacturing. These changes enjoy the strong support of the ranking Democrat, Mr. DINGELL, the chairman of the Telecommunications Subcommittee, Mr. FIELDS, and the chairman of the Committee on the Judiciary, Mr. HYDE.

I will not claim to the Members of the House that these provisions, or this issue generally, is without controversy. This issue has been clouded with controversy virtually since the AT&T divestiture took effect on January 1, 1984. Since that time, the issue of loosening the restrictions on AT&T's divested progeny, the so-called Baby Bells, has been before Congress during each term. And each time, Congress has failed to act. Consequently, Judge Harold Greene has been left de facto, to fashion telecommunications policy. I personally believe he has done a good job, but it is time for Congress to retake the field.

I believe the changes incorporated in the manager's amendment reflect the committee's effort to craft a very careful balance. It has not been easy to draft language that is satisfactory to both sides in this debate. This difficult task will continue in the conference. This is our best effort, and it is broadly supported by Members both on and off the committee. I urge my colleagues to support this approach.

Finally, the amendment includes numerous other technical and substantive revisions to H.R. 1555. Most notably, the revisions include clarifications on municipalities' ability to manage rights-of-way, limitations on the rural telephone exemption, manufacturing by Bellcore, facilities siting for wireless services, a telecommunications development fund for small entrepreneurial telecommunications businesses, changes to the video platform to make it permissive, and provision for the ultimate repeal of the cable-MMDS cross-ownership restriction.

More importantly, the manager's amendment complements the vision and goals of the underlining bill. The key to H.R. 1555 is the creation of an incentive for the current monopolies to open their markets to competition. The 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.

I urge strong support for the manager's amendment.

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

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 15 minutes.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. BRYANT of Texas. Mr. Chairman, there are so many things to be said this morning in the amount of time available that cannot all be said, but let me first say this. The process by which we have arrived at this early hour, after having quit so late last night, is not one that, in my view, reflects well upon this institution.

I am disappointed both in the leadership of the Republican Party and the Democrats for allowing this to take place. The fact of the matter is, the full committee, after months of work, months and months of work, reported a bill out that was designed to ensure that as we begin to see competition in areas that had never before seen competition, we would see the strongest gorilla on the block, the Bell competitors, enter into competition on the basis of a checklist that would make sure that they did not enter into it in such a way that they squeezed out the tremendously beneficial value to the consumer of the long distance competitive industry that has developed over the last 10 or 11 years since the AT&T monopoly broke up in the beginning.

Mr. Chairman, after the committee met and did our work, suddenly out of nowhere comes this amendment that has been created out of public view, been created in the back rooms, been created without organized public input, and led by the chairman of the committee and with the complicity of the chairman of the subcommittee and leaders on our side as well.

Mr. Chairman, it is not the proper way to go about this. What has it done? It has, in effect, taken away the most critical parts of this bill with regard to ensuring that competition will succeed for the benefit of the American consumer rather than be stamped out.

For example, the committee bill, which we worked on in committee and which was voted out by a large margin,

conditions Bell entry into long distance upon two things: First implementing a competitive checklist, a list of items that have to occur if local telephone markets are to be open to competition, number one; and second, upon a showing that they faced effective facilities-based local competition.

The managers' amendment, again, put together in a room some place without the input of the public, without of the input of most of the members of the committee, takes that away. In fact, a key part of the actual competition test that requires that a new entrant's local service be ''comparable in price, features and scope'' would be dropped.

Mr. Chairman, the impact is that the Bell companies could enter long distance without facing real local competition. This is complicated, arcane, it is tedious, but it is the work of this committee and, unfortunately, the work of this committee has been thrown out as we saw the work, in my view, of lobbyists in the back room be substituted for the work of this House in the light of day.

Mr. Chairman, what else have they changed in this amendment? They have changed 42 things. We are going to hear people say, ''We passed the bill out of the committee and then we discovered all of these problems that we had created and we had to get them fixed.''

The fact of the matter is, they apparently had to fix 42 different things, because there are 42 different changes in this managers' amendment. It is a shameful process. It is an embarrassment to the House. I think it is, frankly, an embarrassment to the Members who have brought it before us, because I do not think they believe in their hearts that this has been the proper process.

Mr. Chairman, I mentioned one big major change; let me mention another one. Before, under the committee-approved bill, the Bell companies would have had to apply for entry into long distance 18 months after we enacted the bill. Why? To give the FCC and the States enough time to make sure that there was full implementation of the competitive checklist.

What does the managers' amendment do? It changes that drastically by saying they can apply for entry after only 6 months. I do not have to tell Members that serve in this House, and that have served in State and local government and have served in Federal Government for a long time that 6 months is not enough time to let these agencies get in a position to make sure that they do not drive the competitors out of business, but that is what we have in the managers' amendment.

Resale: Under the committee's bill, the Bell companies are going to be required to make their local services available for resale by new local competitors in a way that makes it economically feasible for the reseller.

What does the managers' amendment do? It changes that entirely. The economically feasible condition would be eliminated. The fact of the matter is that we would not be able to guarantee that the Bell companies would have adequate competition in the local market before they entered the long distance market.

Mr. Chairman, I think what we see here is a big lobbying war. They lost it when it was fought in public, but they won it when it was fought in the back rooms, and so we have an amendment here today that tries to change the whole course of the process. I think it is unprecedented. Maybe there is a precedent. If there was a precedent for it, it should be condemned.

Mr. Chairman, the managers' amendment is a bad deal for the American people, and I urge every Member to vote against it.

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

Mr. DINGELL. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I want to first express my gratitude and respect to my friend and colleague, the gentleman from Virginia [Mr. BLILEY], for the fine fashion in which he has worked with us, and also to my good friend, the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee. The work of the gentlemen on this matter, as well as the work of the other members of the Committee on Commerce, has helped bring us successfully to a point where we can consider this major piece of telecommunications legislation.

Mr. Chairman, the first item of business, of course, is the managers' amendment. For the benefit of some of my colleagues around here who should remember, but do not, I am going to point out that this is a traditional practice of this body. That is, to assemble an amendment in agreement between the two committees which have worked on the legislation, which can then be placed on the floor and voted on.

Mr. Chairman, this is done in an entirely open and proper fashion. It is an amendment which, on both substance and procedure and practice, is correct, proper and good and consistent with the traditions of the House.

The House can vote openly and discuss openly the matters associated with the managers' amendment and we can then proceed to carry out the will of the House, which is the way these matters should be done.

Mr. Chairman, there were a number of defects and differences in both bills. Amongst those provisions was one which required local telephone companies to subsidize the long distance competitors by setting rates for resale that were economically reasonable to the reseller.

Mr. Chairman, that would have caused local rates to skyrocket for the household user. It would have required service which cost $25 to be sold to AT&T for $6; something which would have caused the necessity of subsidizing, then, AT&T at the expense of small business and the local phone user, an outrageous situation.

The gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] worked with me to correct this serious abuse and this failure in the legislation.

The committee bill also contained a provision that would preclude the Bell companies from offering network-based information service. That would have prevented these companies from offering a number of services in the market, and denied the customer and the consumer an opportunity to have the best kind of competitive service from all participants.

The gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] and I worked out a compromise which permits these services to continue to be offered. That is included in the managers' amendment.

The long distance industry has, in a very curious fashion, charged that these changes, and others that are included in the amendment, unfairly benefit the Bell companies. That is absolute and patent nonsense. All that this amendment does is to remove or modify provisions that unfairly protect the long distance industry from fair competition by the Bells, a matter which I will discuss at a later time.

Frankly, Mr. Chairman, I would note that in many ways it does not go far enough. There is no justification, whatsoever, for the out-of-region restriction. The compromise leaves that in place until each Bell company has received permission to originate long distance service in each State in its region. That is not an unfair arrangement, but it is the least favorable from the standpoint of the Baby Bells that is in any way defensible.

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Mr. Chairman, I also want to remind my colleagues of the scandalous and outrageous behavior of the long-distance lobby. I want to remind them that each Member has been deluged with mail and telegrams, many of which were never sent by the person who appears as signatory. This is a matter which I will also pursue in another forum.

Mr. Chairman, this was a deliberate attempt to lie to and to deceive the Congress. It was a deliberate attempt by the long-distance operators to steal the government of the country from the people and from the consumers by putting in place a fraudulent system to make the Congress believe that the people had one set of feelings when, in fact, they did not and had quite a different set of feelings.

I would hope that those who will be speaking on behalf of the long-distance industry today will seek to defend that outrageous behavior, instead of attacking a proper piece of legislation.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Chairman, I rise in opposition to the manager's amendment.

Yesterday, my office heard from public utility commissioners all over the country, Alabama, Arizona, California, Kansas, New Hampshire, Nebraska, Nevada, my home State of Oklahoma, Oregon, Utah, and Wisconsin, all public utility commissioners who called and vigorously agreed with my position. We also heard from the National Association of State Utility Commissioners, who support my position.

Let me read from one of the letters from a commissioner in New Hampshire: ''As a State telecommunications regulator, I believe the so-called manager's amendment to H.R. 1555 will not adequately protect the interests of the consumer in insuring the existence of meaningful telecommunications competition.''

Mr. Chairman, this was just one of the letters. I have many more. If my colleagues would like to take a look at them, they are more than welcome to do that.

Before we vote on this manager's amendment, I encourage the Members of this House to call their State public utility or public service commissioners and see what they think about the manager's amendment. I have talked to Members of the House over the last 48 hours and said, ''We do not understand this legislation. If you don't understand this legislation, call your public service or public utility commissioner.''

Mr. Chairman, we are placing the public utility commissioners in an untenable situation to not put in some sort of tangible measurement for competition. We must make sure that there is fair and open competition for our constituents, the ratepayers, who will bear the burden of this amendment.

I am not concerned about the RBOC's or the long-distance carriers. My special interest in this situation are the ratepayers. I served for 4 years as a public utility commissioner. I dealt with these long-distance issues. I dealt with these situations for 4 years.

Mr. Chairman, this is not fair and open competition. I oppose the manager's amendment. I strongly urge a ''no'' vote to the manager's amendment, and I ask for fair and open competition.

Mr. Chairman, I submit for the RECORD the following letters.

STATE OF NEW HAMPSHIRE,
PUBLIC UTILITIES COMMISSION,
Concord, NH, August 3, 1995.

Congressman J.C. WATTS,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WATTS: This is written to support the original version of H.R. 1555. As a state telecommunications regulator, I believe the so-called Manager's Amendment to H.R. 1555 will not adequately protect the interests of the consumer in insuring the existence of meaningful telecommunications competition.

Sincerely,

SUSAN S. GEIGER,
Commissioner.

NEBRASKA PUBLIC SERVICE COMMISSION,
Lincoln, NE, August 3, 1995.

Hon. J.C. WATTS, Jr.,
U.S. House of Representatives, Longworth Office Building, Washington, DC.

DEAR CONGRESSMAN WATTS: As a member of the Nebraska Public Service Commission, I support federal legislation which preserves the states' role in shaping this country's future competitive communications industry.

In Nebraska, we are particularly proud of the quality of telecommunications service our customers enjoy. Any federal legislation should continue to provide a state role in regulating quality standards and establishing criteria for BOC entry in the interLATA market.

The needs of Nebraska's customers are varied; therefore, we must continue to play an active role during the transition to fully competitive communications markets.

Sincerely,

Lowell C. Johnson.

STATE OF NEVADA, ATTORNEY GENERAL'S OFFICE OF ADVOCATE FOR CUSTOMERS OF PUBLIC UTILITIES,
Carson City, NV, August 3, 1995.

Ms. CATHY BESSER, c/o Rep Vucanovich's Office.

DEAR MS. BESSER, We strongly urge Representative Vucanovich to OPPOSE H.R. 1555, Communications Act of 1995, in its present form. Several Anticonsumer and anticompetitive sections of the bill will hurt Nevada's consumers by thwarting local competition and drastically redoing regulatory oversight. Please do not allow Rep. Vucanovich to support HR 1555 in its present form; It will hurt Nevada in the pocketbook.

Best Regards

MIKE G.

ARIZONA CORPORATION COMMISSION,
Pheonix, AZ, August 3, 1995.

Hon. JOHN SHADEGG,
House of Representatives, Cannon House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE SHADEGG: I am writing to urge you to vote against the Manager's amendment to H.R. 1555. The Communications Act of 1995.

As you may be aware, the Arizona Corporation Commission, on June 21, 1995, approved far-reaching rules to open local telecommunications markets in Arizona to competitors. Our June 21st action came after nearly two years of detailed analysis of the issues and countless hours of meetings with all stakeholder groups in arriving at a thoughtful, detailed process for opening local markets to competition. Arizona's rules, moreover, make our state one of the 15 most progressive states in the nation in telecommunications regulatory reform. Our efforts would be totally negated with the adoption of the Manager's amendment.

The Manager's amendment would preempt Arizona and other states from proceeding with plans to open telecommunication markets to competition, and thereby, put the brakes on the benefits that customers would receive from competition. Please vote against the Manager's amendment, and allow competition to proceed in Arizona.

Very truly yours,

MARCIA G. WEEKS,
Commissioner.

PUBLIC SERVICE
COMMISSION OF WISCONSIN,
Madison, WI, August 3, 1995.

Hon. J.C. WATTS,
House of Representatives, Longworth House Office Building, Washington, DC.

Re: H.R. 1555

DEAR REPRESENTATIVE WATTS: I agree that the original bill did a much better job of balancing the power between competitors, and because of that, it did a better job of promoting competition. My concern about the original bill is that it gave too much power to the Federal Communications Commission (FCC) and preempted the states.

H.R. 1555 as originally drafted takes away current state authority and gives back only very specific and limited authority, while expanding the authority of the FCC. The bill allows the FCC to preempt the states on many key issues. This provides an incentive for the current monopoly provider to challenge every state decision. Rather than lessening regulation, this will add an additional layer. The regulatory lag created by the dual level of regulation will also advantage the dominant provider to the detriment of competitors, customers and the country. If all authority is given to the FCC, state progress, and thus competition, will come to a halt. Although the managers amendment does not give us everything we had asked for, it certainly does a better job of balancing federal and state jurisdiction.

To the extent that your efforts would give the states a stronger chance to gain some ground on the jurisdictional issues in conference committee, I would tend to support your efforts.

Sincerely,

CHERLY L. PARRINO,
Chairman.

STATE OF ALABAMA,
ALABAMA PUBLIC SERVICE COMMISSION,
Montgomery, AL, August 3, 1995.

Hon. SPENCER BACHUS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BACHUS: We would like to register our agreement with Congressman Watts over the status of H.R. 1555. The bill that came out of committee was a carefully drafted document that did have some level of support from industry and regulatory representatives.

The National Association of Regulatory Utility Commissioners (NARUC) Telecommunications Committee, of which Commissioner Martin is a member, participated in the crafting of this bill and was supportive of it as it passed the House Committee. In addition, Commissioner Sullivan, a member of the NARUC Executive Committee, does not favor the provisions in the Manager's Amendment. We feel that the Manager's Amendment will make the job of ensuring fair competition very difficult. We urge you to vote against the Manager's Amendment and go back to the original bill the Committee members drafted and passed.

Sincerely,

JIM SULLIVAN,
President.
CHARLES B. MARTIN,
Commissioner.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in strong opposition to the Bliley-Fields amendment.

This is a body hell bent against tax increases, but let's be clear about what this bill is. It's a tax increase. People will see increases in their telephone bills, their cable bills, their internet bills, and bills for any service that connects them to any communications wire.

Each and every day, we hear about and see rapid developments in communications that keep our country on the cutting edge. Now is not the time to

pass a law that could harness this energy. We should be unleashing, and reaping the benefits of this exciting new technology.

The Bliley-Fields amendment is a harness that maintains old monopolies, and stifles real competition.

H.R. 1555 is also a bad deal for consumers. It is estimated that since we passed the Cable Act in the 102d Congress, consumers have saved more than $3 billion. This bill would gut those provisions and deregulate an industry where no real competition exists.

I urge you to think about your constituents as they answer their phones, sign on to their computers, turn on their televisions, and open their cable bills. If we rush pass H.R. 1555, our constituents may start thinking negatively about us when they do these things. Vote no on this tax increase, vote ''no'' on Bliley-Fields.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I commented more extensively on the manager's amendment in the debate in chief on the general debate, so I will not repeat that now, except to say I do support the manager's amendment. I think it has tied up a lot of loose ends and makes the entire telecommunications field more competitive.

The purpose of the entire legislation was really to enhance competition, because that certainly helps the consumer, facilitates development of all these various industries, and benefits the country and the economy at large. Given the complexity of this legislation, this manager's amendment goes a long way toward resolving that.

The Committee on the Judiciary met with the staff of the gentleman from Virginia [Mr. BLILEY] and resolved many controversies, so I am pleased to support the manager's amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, this bill has a lot of good things in it, but one it does not have is increased competition.

In a real effort to provide more competition, I offered an amendment that simply said that a Bell Co. has to have at least the availability of 10 percent of the customers going to a competitor, not that 10 percent have to be signed up for competition, but that 10 percent have to be able to sign up for competition. That was ruled out of order to protect the manager's amendment.

Mr. Chairman, the manager's amendment goes a long way to shut down realistic competition. If the manager's amendment passes, consumers lose. We need to reject the manager's amendment, go back to the language that came out of the committee or ensure that we put in language that would allow real competition, ensuring that at least 10 percent of the customers have the ability to ask for service from a competitor.

Mr. Chairman, I do not think 10 percent is unreasonable. However, I think the manager's amendment is very unreasonable, and I would urge a ''no'' vote.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Chairman, I thank my colleague from Texas [Mr. BRYANT], and rise in reluctant opposition to the manager's amendment.

The process that brought this manager's amendment to the House floor today has been sorely compromised and will result in a bill that, I believe, will raise more questions than answers. My key concern with process rests in the manager's amendment that is before us.

As we all know, the Commerce Committee reported out H.R. 1555 by a consensus-demonstrating vote of 38 to 5. Before that, the Subcommittee on Telecommunications and Finance reported the legislation after lengthy debate, and previously in this Congress, after many hearings, and in Congresses before, other numerous hearings related to the telecommunications reform measures before us today.

While no one was completely pleased with the bill that was reported out originally by the committee, the committee did produce a balanced bill. That is what happens when you hold public hearings and public markups. It is the way the process is supposed to work in this House.

But what we have before us today, Mr. Chairman, is a manager's amendment that is 60 pages long, with 42 different changes from what the committee reported out.

Mr. Chairman, we are being asked to vote on this amendment and adopt it practically sight unseen. If the changes made in this 60-page manager's amendment are so important, why was not this amendment returned to the Commerce Committee and to the Committee on the Judiciary for their approval before going to the floor?

Mr. Chairman, I vote a ''no'' vote on the manager's amendment.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BOUCHER] for an enlightened discourse on this matter, and I have been looking forward very much to hearing from the friends of the long-distance operators and I am somewhat distressed that I am not going to do so at this time.

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the manager's amendment and in support of H.R. 1555 and would like to take this time to engage in a colloquy with the gentleman from Illinois [Mr. HASTERT] with respect to legislation we have crafted concerning the application of the interconnection requirements with respect to small telephone companies, and at this time, I would yield to the gentleman from Illinois [Mr. HASTERT] for that colloquy.

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as you know, the gentleman from Virginia [Mr. BOUCHER] and I have been working on language to refine an amendment that the gentleman offered at full committee. I would like to ask the gentleman to take a moment to outline the purpose of his original amendment.

Mr. BOUCHER. Mr. Chairman, reclaiming my time, the amendment that I offered at full committee and which was approved on a voice vote was meant to assure that the more than 1,000 smaller rural telephone companies in our Nation would not have to comply immediately with the competitive checklist contained in section 242 of H.R. 1555.

Rural telephone companies were exempted because the interconnection requirements of the checklist would impose stringent technical and economic burdens on rural companies, whose markets are in the near term unlikely to attract competitors.

It was never our intention, however, to shield these companies from competition, and it is in that context that the language the gentleman and I have agreed to is pertinent, and I would yield back to him to explain the amendment we have crafted.

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, a refinement of the Boucher amendment assures that rural telephone companies defined in H.R. 1555 will be exempted from complying with the competitive checklist until a competitor makes a bona fide request. Once a bona fide request is made, a State is given 120 days to determine whether to terminate the exemption.

States must terminate the exemption if the expanded interconnection request is technically feasible, not unduly economically burdensome, is consistent with certain principles for the preservation of universal service.

Mr. BLILEY. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. HASTERT].

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

Mr. HASTERT. Mr. Chairman, of critical importance here is an understanding shared by the gentleman from Virginia [Mr. BOUCHER] and me that the economic burdens of complying with the competitive checklist fall on the party requesting the interconnection. However, to the extent the rural telephone company economically benefits from the interconnection, the States should offset the costs imposed by the party requesting interconnection.

Furthermore, we want to make clear that while H.R. 1555 provides that the

user of the interconnection pay the cost of interconnection, the user in this context is the corporate entity requesting interconnection with a local exchange company.

It would be a perversion of the intent if the cost of complying with the competitive checklist would require the incumbent rural telephone company to increase its basic local telephone rates to fund the competitor's service offering.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the question this morning is, what is the hurry? After 61 years, we spent time in committee and in subcommittee and we developed H.R. 1555. I did not support the bill but at least I was part of the process.

Now it is whether you believe the Washington Post and the Wall Street Journal who say that people like Rupert Murdoch and Ameritech and others have gotten special favors from this manager's mark. In other words, after the committee had worked its will, large corporations continued to lobby the Republican leadership to change the bill and they agreed to do it.

Mr. Chairman, this amendment is a top down, your vote does not count. The only important input is from the Speaker of the House amendment. This is not the kind of representative government that our constituents deserve. Nearly every provision that is in this manager's mark should be voted on separately. It is not going to happen. We will not have that opportunity. This is a bad process. It is bad governance, and I urge my colleagues to oppose the manager's amendment.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the manager's amendment.

Mr. Chairman, we all favor increased competition in all markets. And that is what I thought this bill stood for. But the fact is that local carriers are in a unique position because all long-distance calls must pass through their facilities.

This control lets the local carriers discriminate against their competitors in the delivery of long-distance service. If not a single other entity can offer this service with their own equipment, the locals will continue to stifle competition.

That is precisely why we need the facilities based competition provided in the original bill. The 66 page manager's amendment—takes this entry test out of the bill, and that is simply unfair.

Mr. Chairman, if there is only one drawbridge over a river, the person who lifts that bridge is a monopoly. Likewise, if all long-distance calls have to go through one company's switches, we still have a monopoly. Oppose this amendment and support the original bill.

Mr. BRYANT of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have two choices in this bill. The whole notion of an open architecture cyberspace-based competition is undermined by what has happened between the full committee and the manager's amendment.

What we had determined at the full committee was that if, in fact, the telephone company used common carrier facilities in order to build their cable network, that it would have to have an open architecture, so that any provider of information, any 18-year-old kid, any producer, would be able to use this common carrier network in order to get their ideas into every home.

Mr. Chairman, that was in contrast to the old cable model where if the telephone company built another cable system, but under design of the cable companies of the past, then they would be regulated like a cable company, get a franchise.

This bill takes that open architecture concept, throws it out the window. We must go back to that if we are going to enjoy the full benefits of this information revolution.

What is most troubling to me about the manager's amendment is that it takes the open access, common carrier model for telephone company delivery of video and makes that optional.

The information superhighway had always been heralded as an opportunity for consumers to get 500 channels of television, and for independent, unaffiliated producers of information to use the network and reach the public.

The bill had set up an appropriate balance I believe. It told the phone companies that when they got into the cable business they had a choice. They could build separate facilities, and overbuild cable systems to provide video services. If they did that they would be regulated as a cable company is regulated—under title 6 of the Communications Act—and they would have to go out and obtain a franchise just as cable companies do.

The second option—if they wanted to use their phone network facilities and construct a system using a common carrier, equal access network to send video services to consumers—the legislation provided a video platform model. This video platform model ensured that unaffiliated, independent programmers, software engineers, the kid in the garage—could obtain access to the phone company's network and provide video, interactive, multimedia services to consumers too.

After all, every consumer ratepayer had helped pay for the phone network, shouldn't everyone have a right to use the information superhighway.

These openness rules were provisions establishing rules also under title 6 of the Communications Act. The bill specifically said that there would be no burdensome title 2 traditional phone company, utility type regulation. The bill already dealt with that and did it well.

The managers amendment, on the other hand, would allow a phone company to build a closed, proprietary cable system on a common carrier phone network architecture. No other independent film producer, unaffiliated programmer, video game maker can claim a right to carriage. Only the phone company.

This isn't the open road people have in mind when they think of cyberspace. In fact, the very notion of cyberspace in antithetical to closed, proprietary systems where only one provider of information is allowed to rule the road.

One of the principles of common carriage for 60 years has been that any service you make available to one entity, you have to make available to all comers. This managers amendment lets the phone company—on a common carrier facility—make access available to itself and no one else.

I think that is a giant step backward and for that reason I oppose the managers amendment. It is bad for small, independent, unaffiliated providers of information, for entrepreneurs and inventors.

I believe that if phone companies are going to use the phone network—a communications network that all ratepayers have paid for—that access for video services should not be the sole domain of the phone company, but rather an open superhighway for other creative geniuses as well.

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

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

Mr. DINGELL. I have heard a lot of irresponsible talk about how secret agreements were made between the two committees. Well, nothing of the kind occurred. There was open discussion between the chairman of the Committee on the Judiciary and the chairman of the Committee on Commerce, and from that came the managers' amendment, and there is no secrecy involved here.

As a matter of fact, for the benefit of those who do not know, the manager's amendments return this legislation to something very close to what passed this House last year 423 to 5. That is what the members' amendment does. The process is open. Members are having an opportunity to discuss this on the House Floor under a rule, and to say otherwise is either to deceive yourself or to deceive the Members of this body.

That is what the facts are, and I would urge my colleagues to not listen to this kind of nonsense, but rather, to respect the institution, the Members who have brought forward this amendment, to understand that it is a fair amendment, it is in the public interest, and it is balanced, and it is not founded upon a lot of sleazy lobbying of the kind we have seen and the mail we have been getting from the long-distance industry.

□ 0840

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

The CHAIRMAN. The gentleman from Texas is recognized for 1 minute.

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

Mr. BRYANT of Texas. Mr. Chairman, I say to my colleagues, had I been a party to this, I would stand up on the floor, and I would wave my arms and speak loudly as well. The fact of the matter is you voted for the bill that came out of committee, and the gentleman from Virginia [Mr. BLILEY] voted for the bill that came out of committee. I voted against it. But now the two of you come to the floor with a totally different bill. Mr. Chairman, this is not the bill that passed the House by 400 and something to nothing last year. This is a totally different approach. The fact of the matter is it was written in the darkness. The committee did not have any input into this. The Members did not have any input into this. My colleagues wrote it behind closed doors. The Bell companies came and said, ''Hey, we decided we don't like what happened in the committee. Rewrite the bill and help us out.''

Mr. Chairman, that is what my colleagues have done here. The fact of the matter is this process is an outrage, and Members stand on the floor, and wave their arms and say somebody is trying to deceive the American people, they should have written the bill in public, not behind closed doors. It is an outrage.

I would urge Members, if for no other reason, and I will not yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BRYANT] has expired.

Mr. BLILEY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

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

Mr. BURR. Mr. Chairman, I rise in support of the manager's amendment.

During the Commerce Committee's consideration of H.R. 1555, I offered an amendment designed to permit Bell operating telephone companies to resell the cellular services of their cellular affiliates. Currently, Bell operating companies, alone among local telephone companies, are prevented from providing or even reselling cellular services with their local services. Larger companies, like GTE—the largest local exchange carrier in the United States—are not restricted from marketing cellular services with their long distance or local services.

Several of my colleagues were concerned that they had not had an ample opportunity to consider the amendment. With the understanding that it could be included in the managers' amendment if these members, upon further study, were not troubled by the substance of the amendment, I withdrew it. Having satisfied the members' concerns with new language, I want to thank the managers of this bill for agreeing to include that language in their amendment.

As with my original amendment, the primary goal of the new language is to provide the Bell operating telephone companies with sufficient relief from existing FCC rules to permit them to offer one-stop shopping of local exchange services and cellular services. Currently, FCC rules not only prohibit those operating companies from physically providing cellular services—that is, from owning the towers, transmitters, and switches that make up cellular services—but also from marketing cellular services—that is, selling cellular services.

This amendment does not lift the FCC's prohibition against the Bell operating telephone companies providing the cellular services; it merely permits them to jointly market or resell their cellular affiliate's cellular services along with their local exchange services. Under existing FCC polices, cellular providers must permit resale of their cellular services. Thus, virtually everyone but the Bell operating telephone companies can resell the cellular services of their cellular affiliates.

Thus, together with other provisions in the bill, this amendment will help to put the Bell operating telephone companies on par with their competitors by allowing them to resell cellular services—including the provision of interLATA cellular services—in conjunctions with local exchange services and other wireless services—that is, PCS services—that they are already permitted to provide.

AT&T has voluntarily entered into a proposed consent decree with the Department of Justice. This would obviate certain potential violations of section 7 of the Clayton Act arising out of its acquisition of McCaw Cellular. To overcome the Department's opposition to the acquisition, AT&T agreed to certain restrictions regarding its provisions and marketing of McCaw's cellular services.

In order to ensure that all carriers can offer similar service packages, language has been included in the amendment to supersede language in that pending decree. As a result, AT&T and others will be able to sell cellular services on the same terms as the Bell companies. Specifically, all carriers would be able to sell cellular services, including interLATA cellular services, along with local landline exchange offerings.

However, the Bell operating companies will not be able to offer landline interLATA services in conjunction with such local telephone—even in conjunction with a cellular/cellular interLATA service offering—until they have met the conditions for interLATA relief.

Accordingly, the amendment makes it clear that it does not alter the effect of subsection 242(d) on AT&T or any other company. As a result, AT&T and other competitors subject to that provision will not be able to offer or market landline interLATA services with a local landline exchange offering—even in conjunction with a cellular/cellular interLATA package—until the Bell companies are authorized to do so.

Mr. BILILEY. Mr. Chairman, to close debate, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

The CHAIRMAN. The gentleman from Texas [Mr. FIELDS] is recognized for 2 minutes.

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

Mr. FIELDS of Texas. Mr. Chairman, let me just say very briefly, and then I am going to yield to the gentleman from Michigan, this is a fair and balanced approach that we are now bringing to this floor for a vote. This is a delicate process, it is a complex process. On a piece of legislation like this we expect a manager's amendment. No one has talked about other things that are in this manager's amendment, local siting, under the right-of-way, the telecommunication development fund sponsored by the gentleman from New York [Mr. TOWNS], a lot of good things in this particular amendment. But I want to identify myself with the remarks made by the gentleman from Michigan. In my career I have never seen a more disingenuous lobbying effort by any segment of an industry.

The long-distance industry, I say shame on them.

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

Mr. FIELDS of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to reiterate to my colleagues the process under which we are considering this legislation is no different than we have ever done wherever we have had differences between two committees, and the process of working out an amendment between those who supported the bill is an entirely sensible one. Had the gentleman from Texas desired to be a participant in that, he could have, * * * and the result of that is that he did not participate.

Mr. BRYANT of Texas. Mr. Chairman, I ask that the gentleman's words be taken down.

The CHAIRMAN. The gentleman from Michigan will suspend.

Does the gentleman ask unanimous consent to withdraw his reference?

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the words referred to.

Mr. BRYANT of Texas. Reserving the right to object, Mr. Chairman, I do not intend to go along with this unanimous-consent request unless there is an apology and an explanation that what he said was inaccurate, totally inaccurate, because I have had absolutely no involvement with the chairman with regard to the development of this amendment whatsoever, and so what he said was inaccurate.

Mr. Chairman, if the gentleman will acknowledge it was inaccurate, at that time I will be happy to go along with his unanimous-consent request.

The CHAIRMAN. Does the gentleman from Texas [Mr. BRYANT] yield under his reservation of objection to the gentleman from Michigan [Mr. DINGELL]?

Mr. BRYANT of Texas. I do, Mr. Chairman.

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

Mr. DINGELL. Mr. Chairman, I am not quite sure what the Chair is telling me.

The CHAIRMAN. The gentleman from Texas reserves the right to object, and under his reservation he has said that he would insist on having the gentleman's words taken down.

Mr. DINGELL. Mr. Chairman, if I said anything which offends the gentleman, I apologize.

The CHAIRMAN. The gentleman from Texas?

Mr. BRYANT of Texas. Further reserving the right to object, Mr. Chairman, I will not go along with the unanimous-consent request after the words that were spoken were so evasive as that. The fact of the matter is the gentleman made a factual allegation with regard to my role in this bill which was totally inaccurate. I want him to apologize, and I want him to state that it was not correct what he said because he knows it was not correct. Otherwise I would insist that the gentleman's words be taken down.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] insists that the words of the gentleman from Michigan [Mr. DINGELL] be taken down.

Mr. DINGELL. Mr. Chairman, I would ask unanimous consent to withdraw the word ''sulk.''

The CHAIRMAN. Without objection, that word is withdrawn.

Mr. BRYANT of Texas. Further reserving the right to object, Mr. Chairman, I have made it very clear that the gentleman from Michigan [Mr. DINGELL] made an allegation about me that was incorrect, and I want him to state that it was not correct, and he knows it was not correct, and then I want him to apologize for it. Otherwise there is not going to be any withdrawal of my objection.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] continues to reserve the right to object.

Mr. BRYANT of Texas. I would just point out once again I have had no dealings with the gentleman on this matter. He has no basis on which to make that statement whatsoever, nor have I had any dealings in any fashion interpretable in the way that the gentleman spoke to the other side, and, if he is going to persist in that allegation, then I am going to insist that his words be taken down.

The CHAIRMAN. Does the gentleman from Michigan care to respond?

Mr. DINGELL. Mr. Chairman, I am not quiet sure to what I am supposed to respond.

The CHAIRMAN. A unanimous-consent request has been made to withdraw the words. The gentleman from Texas has reserved the right to object to that unanimous-consent request stating, as he has stated, that he desires an apology and an understanding that it was factually incorrect.

Mr. DINGELL. Mr. Chairman, I have asked unanimous consent to withdraw the words. I have said that if I have said something to which the gentleman is offended, then I apologize. I am not quite sure how much further I can go in this matter.

Mr. BRYANT of Texas. Reserving the right to object, Mr. Chairman, I will tell the gentleman how much further he can go in this matter.

Mr. Chairman, I have had no visits with the gentleman about this manager's amendment except to express my general opposition to the whole process. The gentleman stated that I behaved in a particular way when in fact I have had no opportunity to behave either this way or any other way with the gentleman, and, if what the gentleman said is simply an outburst of temper, I think, I have been guilty of the same thing, and I want the gentleman to make it plain to the House that there has been no opportunity for there to have been any type of behavior whatsoever.

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

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I will be pleased to make the observation that the gentleman chose not to be a participant in moving the bill forward. If I said that he has sulked, that was in error. I apologize to the gentleman.

The CHAIRMAN. Without objection, the words are withdrawn.

There was no objection.

Mr. BRYANT of Texas. Mr. Chairman, I withdraw my reservation of objection.

Mr. FIELDS of Texas. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas has 30 seconds remaining.

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

Mr. Chairman, the gentleman from Michigan has made it clear to Democrat Members this is a fair process, it is a good process. I want to say to Republican Members we have worked for 2½ years on opening the local loop to competition. If my colleagues want fair competition, if they want the loop open with a level playing field, vote for this manager's amendment. It is time to move this process forward, time to move the telecommunication industry into the 21st century.

Mr. TAUZIN. Mr. Chairman to enforce the long-distance restriction on the seven Bell companies, the district court approved the establishment of the so-called local access transport area or LATA system. The drawing of the LATA system is extraordinarily complex and confusing. There are 202 LATA's nationwide; four of them are in Louisiana and they bear no relationship to markets or customers. Yet it is the LATA system that is used to regulate markets and limit customer choices. LATA boundaries routinely split counties and communities of interest. LATA boundaries can even extend across State lines to incorporate small areas of a neighboring State into a given LATA. Louisiana does not have any of these so-called bastard LATA's but our neighboring State to the east, Mississippi, does. Towns and communities in the northwest corner of Mississippi, such as Hernando, are actually part of the Memphis LATA. That's Memphis, TN, not Mississippi.

The enforcement of the long-distance restriction on the seven Bell companies and the establishment of the LATA system effectively preempted State jurisdiction over entry and pricing of telecommunications service. In the process, State authority over intrastate inter-LATA telecommunications have been impeded. For example, in Louisiana the Public Service Commission instituted a rate plan that provided K–12 schools with specially discounted rates for high speed data transmission services. With the availability of the education discount, it was contemplated that school districts could upgrade their educational systems, establish computer hookups, and tie into their central school board locations to improve and facilitate administrative services. The public school system in Louisiana is aggressively implementing communications technology to improve access to educational resources and streamline administrative processes.

There are 64 parishes in Louisiana. Each parish has its own school district. Thirteen of the sixty-four parishes are traversed by a LATA boundary, meaning the school district locations in each parish are divided by the LATA system. Consequently, K–12 schools in the Allen, Assumption, Evangeline, Iberia, Iberville, Livingston, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Tangipahoa, Vernon, and West Feliciana Parishes are unable to take advantage of the education discount program as intended by the Louisiana Public Service Commission. The LATA boundary effectively prevents the schools in these 13 parishes from linking to the Louisiana Education Network and the Internet as well. These failures are attributable to the fact that the inter-LATA restriction dictates alternative, circuitous routing requirements to link the schools—making the service unaffordable. The chart to my right depicting the scenario of the Vernon Parish School District is just one example of this routing problem. The inability of these 13 school districts to network K–12 schools is denying the students, teachers, and administrators throughout these parishes the opportunity to utilize new tools for learning and teaching.

The LATA system arbitrarily segments the telecommunications market. Many business, public, and institutional customers, such as the 13 parish school districts in Louisiana, have locations in different LATA's which makes serving them difficult, costly, and inefficient. In Louisiana, BellSouth has filed tariffs with the Public Service Commission, is authorized to provide the high-speed data transmission services, and would be in a position to offer the services to the 13 school districts at specially discounted rates were it not for the inter-LATA long-distance restriction. In the alternative to BellSouth, to receive the desired service any one of the 13 school districts must resort to the arrangement by which the service is provisioned over the facilities of a long-distance carrier. Typically, this would involve routing the service from one customer location in one LATA to the long-distance carrier's point of presence in that LATA then across the LATA boundary to the carrier's point of presence in the other LATA and then finally to the other customer location to complete the circuit. As the explanation sounds, this alternative route utilizing the long-distance carrier's facilities is less direct, more circuitous, and more costly to the customer than a direct connection between the two customer locations. Of the 13 affected school districts in Louisiana, I have chosen the example of the Vernon Parish schools to show the cost penalizing effect of the inter-LATA restriction.

Most of the schools in Vernon Parish are in the Lafayette LATA and are connected by a

network based in Leesville. Unfortunately, two schools in the Hornbeck area are across a LATA boundary and linking them to Leesville is so expensive that Vernon parish has not been able to include them in the network.

Hornbeck is only 16 miles from Leesville but it is in a different LATA. BellSouth could provide a direct and economical connection between the Hornbeck schools and Leesville but it is prevented from doing so because of the inter-LATA restriction.

Instead, the connection between Hornbeck and Leesville would have to be made through an indirect routing arrangement involving a long-distance carrier, AT&T. In this scenario, the route would run from Hornbeck to Shreveport, then 185 miles across the LATA boundary to Lafayette, before finally reaching Leesville, a total distance of 367 miles.

The inter-LATA restriction forces Vernon Parish to use a longer and more expensive route to connect all the schools within its district. If BellSouth was allowed to provide the direct connection between Hornbeck and Leesville, the cost to connect the Hornbeck schools would be almost $48,000 less each year, a savings that could enable the parish to include them in the network.

The inter-LATA restriction is imposing a tremendous cost penalty on users of telecommunications and is preventing telecommunications from being used in cost effective and efficient ways. The manager's amendment would make it possible for customers like the Vernon Parish School District to take advantage of the benefits of telecommunications technology by giving them greater choices in service providers. For this reason, the manager's amendment is worthy of your support.

The relationship between section 245(a)(2)(A) and 245(a)(2)(B) is extremely important because they are, along with the competitive checklist in section 245(d), the keys to determine whether or not a Bell operating company is authorized to provide interLATA telecommunications services, that are not incidental or grandfathered services. As such, several examples will illustrate how these sections function together.

Example No. 1: If an unaffiliated competing provider of telephone exchange service with its own facilities or predominantly its own facilities has requested and the RBOC is providing this carrier with access and interconnection—section 245(a)(2)(A) is complied with.

Example No. 2: If no competing provider of telephone exchange services has requested access or interconnection—the criteria in section 245(a)(2)(B) has been met.

Example No. 3: If no competing provider of telephone exchange service with its own facilities or predominately its own has requested access and interconnection—the criteria in section 245(a)(2)(B) has been met.

Example No. 4: If a competing provider of telephone exchange with some facilities which are not predominant has either requested access and interconnection or the RBOC is providing such competitor with access and interconnection—the criteria in section 245(a)(2)(B) has been met because no request has been received from an exclusively or predominantly facilities based competing provider of telephone exchange service. Subparagraph (b) uses the words ''such provider'' to refer back to the exclusively or predominately facilities based provider described in subparagraph (A).

Example No. 5: If a competing provider of telephone exchange with exclusively or predominantly its own facilities, for example, cable operator, requests access and interconnection, but either has an implementation schedule that albeit reasonable is very long or does not offer the competing service either because of bad faith or a violation of the implementation schedule. Under the circumstances, the criteria 245(a)(2)(B) has been met because the interconnection and access described in subparagraph (B) must be similar to the contemporaneous access and interconnection described in subparagraph (A)—if it is not, (B) applies. If the competing provider has negotiated in bad faith or violated its implementation schedule, a State must certify that this bad faith or violation has occurred before 245(a)(2)(B) is available. The bill does not require the State to complete this certification within a specified period of time because this was believed to be unnecessary, because the agreement, about which the certification is required, has been negotiated under State supervision—the State commission will be totally familiar with all aspects of the agreement. Thus, the State will be able to provide the required certifications promptly.

Example No. 6: If a competing provider of telephone exchange service requests access to serve only business customers—the criteria in section 245(a)(2)(B) has been met because no request has come from a competing provider to both residences and businesses.

Example No. 7: If a competing provider has none of its own facilities and uses the facilities of a cable company exclusively—the criteria in section 245(a)(2)(B) has been met because there has been no request from a competing provider with its own facilities.

Mr. BUNNING. Mr. Chairman, I rise today in strong opposition to H.R. 1555, the Communications Act of 1995 and the manager's amendment.

My primary objection to this bill is process. We have waited 60 years to reform our communications laws. It needs to be done. We need deregulation.

But, I believe that if we waited 60 years to do it, we could wait another month, do it right, and work out some of the problems in this bill instead of ramming it through during the middle of the night.

If we would have gone a little more slowly, I believe that we could have come to an agreement that the regional Bells and the long distance companies could agree with. Instead we are passing a bill that I believe favors the regional Bells a little too much.

This bill makes it too easy for the regional Bells to get into long distance service and too difficult for cable and long distance companies to get into local service.

We should not allow the regional Bells into the long distance market until there is real competition in the local business and residential markets.

It is not AT&T, MCI, or Sprint that I am worried about. They are big enough to take care of themselves. I am concerned about the affect this bill will have on the small long distance companies who have carved themselves out a nice little niche in the long distance market.

This bill will put a lot of the over 400 small long distance companies out of business.

I agree that the bill that was originally reported out of committee probably did give an unfair edge to the long distance companies, but the pendulum has swung way too far in favor of the regional Bells. If we wait instead of passing this bill tonight we may be able to find a solution that is fair to everyone.

My second reason for opposing this bill is the fact that the little guys—many of the independent phone companies—got lost in the shuffle. This bill has been a battle of the titans. The baby Bells against AT&T and MCI.

But the big boys aren't the only players in telecommunications. There are plenty of smaller companies like Cincinnati Bell which services the center of my district in northern Kentucky.

This bill is not a deregulatory bill for Cincinnati Bell. It is a regulations bill. Although Cincinnati Bell has never been considered a major monopolistic threat to commerce, this bill throws it in with the big boys and requires them to live with the same regulations as the RBOC's—one size fits all.

For Cincinnati Bell and over 1,200 independent phone companies around the country this bill is a step in the wrong direction. It's more regulation rather than deregulation.

I also believe that this bill deregulates the cable industry much too quickly. We should not lift the regulations until there is a viable competitor to the cable companies.

The underlying principles in this bill are right on target. We need to deregulate telecommunications and increase competition. That will benefit everyone.

For that reason, I dislike having to vote against H.R. 1555.

But I firmly believe that even though this bill is on the right track, it is just running at the wrong speed. Let's slow down the train and do it right.

Mr. OXLEY. Mr. Chairman, I rise to express my firm support for the Communications Act of 1995 and the floor manager's amendment to it. The amendment improves the bill in a variety of areas, including some important refinements regarding foreign ownership.

The amendment clarifies section 303 of the bill giving the Federal Communications Commission authority to review licenses with 25 percent or greater foreign ownership, after the initial grant of a license, due to changed circumstances pertaining to national security or law enforcement. The Commission is to defer to the recommendations of the President in such instances.

In addition, I wish to clarify the committee report language on section 303 concerning how the Commission should determine the home market of an applicant. It is the committee's intention that in determining the home market of any applicant, the Commission should use the citizenship of the applicant—if the applicant is an individual or partnership—or the country under whose laws a corporate applicant is organized. Furthermore, it is our intent that in order to prevent abuse, if a corporation is controlled by entities—including individuals, other corporations or governments—in another country, the Commission may look beyond where it is organized to such other country.

These clarifications are intended to protect U.S. interests, enhance the global competitiveness of American telecommunications firms, promote free trade, and benefit consumer everywhere. They have the support of the administration and the ranking members of the Committee on Commerce, and I ask all members for their support.

On separate matter, I am aware that some of my colleagues who are from rural area, as I am, have concerns regarding the universal service provisions of H.R. 1555. I want them to know that I will work with them in conference to assure that rural consumers continue to receive the telephone service there have traditionally known. I am interested in working with my colleagues on perfecting the universal service language.

Mr. BOUCHER. Mr. Chairman, I rise in support of the manger's amendment and passage of the bill.

The bill is important because it will promote competition in all telecommunications markets, with attendant benefits for consumers and for the Nation's economy. The cable television market will be made fully competitive as telephone companies are given the right to offer cable television services. The local telephone market will be made fully competitive as cable companies and others are given the right to offer local telephone service. The long distance and telecommunications equipment markets will be made more competitive as the seven Bell operating companies are free to enter these markets.

Increased competition in all telecommunications markets will provide long-term consumer benefits. Consumers will see many new services, lower prices, and greater choices.

The bill will also encourage new investments by telecommunications companies, building for our Nation the much heralded National Information Infrastructure. As telephone companies seek to offer cable television service, they will need to install broadband facilities—fiber optic or coaxial lines—between their central offices and the premises of their users. Likewise, if cable companies desire to offer local telephone and data services, they will need to install switches to make their current broadband architecture interactive and two-way in nature. Both industries would then have the capabilities to deliver simultaneously telephone service, cable TV service, data services, and many other telecommunications services across their networks. The bill, therefore, will provide the business reasons for the major investments which are necessary to complete the National Information Infrastructure.

The manager's amendment is equally important for promoting competition in telecommunications markets. It establishes fair terms and conditions that will assure that the Bell companies open their local telephone networks before they are permitted to enter into the long distance and equipment markets. The manger's amendment creates a careful balance between the competing interests of the local telephone companies and long distance companies that was lacking in the bill reported from the Commerce Committee.

I strongly urge adoption of the manager's amendment and passage of the bill, and I yield to the gentleman from Illinois, Mr. HASTERT, for a colloquy regarding the language he and I have crafted which is contained in the manager's amendment and which governs the application of H.R. 1555's interconnection requirements to rural telephone companies.

Mr. HALL of Texas. Mr. Chairman, I am pleased to join my colleagues today in debating this important piece of legislation. The Communications Act of 1995 could easily be the most important legislation considered in this Congress. A lot of hard work and many long hours have been spent providing a delicate balance to all the competing interest in the communication's field. With this legislation, we need to be certain that we create true competition, without which the results could be disastrous not only for new market entrants, but for consumers as well.

There are many fine, small long-distance companies in my district. These good people are true entrepreneurs and hard workers. As the manager's amendment stands, I feel that these small businessmen will be threatened, all they want to do is compete. How are they to compete against a company that has the advantage of massive resources and a historical hold on the local market? After much discussion and compromise, not all sides had everything they wanted, but each side seemed pleased with what they had.

This is an important step in the modernization of a 60 year old Communications Act. The time is now, but it must be done in a carefully balanced approach. I feel the manager's amendment threatens the balance that was achieved in the bill that was overwhelmingly supported by the Commerce Committee and that is why I rise in opposition to this amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on amendment 1–1 offered by the gentleman from Virginia [Mr. BLILEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 149, not voting 29, as follows:

[Roll No. 627]

AYES—256

Ackerman
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Burr
Burton
Buyer
Callahan
Camp
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clinger
Clyburn
Coburn
Coleman
Combest
Cox
Cramer
Crane
Crapo
Cubin
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Eshoo
Farr
Fazio
Fields (TX)
Flake
Flanagan
Foley
Ford
Fox
Frank (MA)
Franks (CT)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hilliard
Hobson
Hoekstra
Hoke
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E.B.
Jones
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klug
Knollenberg
LaHood
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lowey
Manzullo
Martini
McCrery
McHugh
McInnis
McKeon
McKinney
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Olver
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Studds
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Thornton
Tiahrt
Torres
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Ward
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Woolsey
Wynn

NOES—149

Abercrombie
Allard
Baesler
Baker (CA)
Baldacci
Bass
Becerra
Beilenson
Bereuter
Boehlert
Borski
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Calvert
Canady
Chapman
Clement
Coble
Collins (GA)
Collins (IL)
Conyers
Costello
Coyne
Cremeans
Cunningham
Danner
Davis
DeFazio
DeLauro
Dellums
Doggett
Doyle
Duncan
Edwards
Engel
English
Ensign
Evans
Everett
Ewing
Fattah
Fawell
Fields (LA)
Foglietta
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Gordon
Green
Hall (TX)
Hancock
Harman
Hefley
Heineman
Hilleary
Hinchey
Holden
Horn
Houghton
Inglis
Istook
Jefferson
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kasich
Kingston
Klink
Kolbe
LaFalce
Lantos
Largent
Latham
Lazio
Leach
Lipinski
Lofgren
Lucas
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McNulty
Meehan
Meyers
Mineta
Minge
Mink
Moran
Morella
Murtha
Neumann
Oberstar
Obey
Pallone
Petri
Poshard
Pryce
Quillen
Reed
Regula
Rivers
Roth
Sabo
Sanders
Sanford
Seastrand
Sensenbrenner
Skaggs
Skelton
Slaughter
Smith (TX)
Spence
Stark
Stenholm
Stokes
Stupak
Tanner
Thomas
Torkildsen
Velazquez
Vento
Visclosky
Volkmer
Wamp
Waters

Watts (OK)	Wyden	Zeliff
Wolf	Yates	Zimmer

NOT VOTING—29

Andrews	Maloney	Spratt
Bateman	McDade	Thurman
Collins (MI)	McIntosh	Towns
Condit	Moakley	Tucker
Cooley	Ortiz	Waxman
de la Garza	Owens	Williams
Filner	Rangel	Wilson
Hayes	Reynolds	Young (AK)
Herger	Rose	Young (FL)
Kaptur	Scarborough	

□ 0910

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Filner against.

Mr. GILMAN, Mr. STOKES, and Ms. FURSE changed their vote from ''aye'' to ''no.''

Messrs. JONES, KIM, MFUME, BARCIA, HEFNER, and JEFFERSON, Ms. WOOLSEY, Mrs. KELLY, and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, I inadvertently missed rollcall vote 627. Had I been present, I would have voted ''yes.''

The CHAIRMAN. It is now in order to consider amendment No. 2–1 printed in part 2 of House Report 104–223.

AMENDMENT NO. 2–1 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment, numbered 2–1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2–1 offered by Mr. STUPAK: Page 14, beginning on line 8, strike section 243 through page 16, line 9, and insert the following (and conform the table of contents accordingly):

SEC. 243. REMOVAL OF BARRIERS TO ENTRY.

(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services.

(b) STATE AND LOCAL AUTHORITY.—Nothing in this section shall affect the ability of a State or local government to impose, on a competitively neutral basis and consistent with section 247 (relating to universal service), requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) LOCAL GOVERNMENT AUTHORITY.—Nothing in this Act affects the authority of a local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of the rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(3) shall apply in lieu of the provisions of this section.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. STUPAK] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Does the gentleman from Virginia rise to claim the time?

Mr. BLILEY. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 5 minutes.

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

Mr. STUPAK. Mr. Chairman, I am offering this amendment with the gentleman from Texas [Mr. BARTON] to protect the authority of local governments to control public rights-of-way and to be fairly compensated for the use of public property. I have a chart here which shows the investment that our cities have made in our rights-of-way.

□ 0915

Mr. Chairman, as this chart shows, the city spent about $100 billion a year on rights-of-way, and get back only about 3 percent, or $3 billion, from the users of the right-of-way, the gas companies, the electric company, the private water companies, the telephone companies, and the cable companies.

You heard that the manage's amendment takes care of local government and local control. Well, it does not. Local governments must be able to distinguish between different telecommunication providers. The way the manager's amendment is right now, they cannot make that distinction.

For example, if a company plans to run 100 miles of trenching in our streets and wires to all parts of the cities, it imposes a different burden on the right-of-way than a company that just wants to string a wire across two streets to a couple of buildings.

The manager's amendment states that local governments would have to charge the same fee to every company, regardless of how much or how little they use the right-of-way or rip up our streets. Because the contracts have been in place for many years, some as long as 100 years, if our amendment is not adopted, if the Stupak-Barton amendment is not adopted, you will have companies in many areas securing free access to public property. Taxpayers paid for this property, taxpayers paid to maintain this property, and it simply is not fair to ask the taxpayers to continue to subsidize telecommunication companies.

In our free market society, the companies should have to pay a fair and reasonable rate to use public property. It is ironic that one of the first bills we passed in this House was to end unfunded Federal mandates. But this bill, with the management's amendment, mandates that local units of government make public property available to whoever wants it without a fair and reasonable compensation.

The manager's amendment is a $100 billion mandate, an unfunded Federal mandate. Our amendment is supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures and the National Governors Association. The Senator from Texas on the Senate side has placed our language exactly as written in the Senate bill.

Say no to unfunded mandates, say no to the idea that Washington knows best. Support the Stupak-Barton amendment.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BARTON], the coauthor of this amendment.

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

Mr. BARTON of Texas. Mr. Chairman, first I want to thank the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. FIELDS], and the gentleman from Colorado [Mr. SCHAEFER], for trying to work out an agreement on this amendment. We have been in negotiations right up until this morning, and were very close to an agreement, but we have not quite been able to get there.

I thank the gentleman from Michigan [Mr. STUPAK] for his leadership on this. This is something that the cities want desperately. As Republicans, we should be with our local city mayors, our local city councils, because we are for decentralizing, we are for true Federalism, we are for returning power as close to the people as possible, and that is what the Stupak-Barton amendment does.

It explicitly guarantees that cities and local governments have the right to not only control access within their city limits, but also to set the compensation level for the use of that right-of-way.

It does not let the city governments prohibit entry of telecommunications service providers for pass through or for providing service to their community. This has been strongly endorsed by the League of Cities, the Council of Mayors, the National Association of Counties. In the Senate it has been put into the bill by the junior Republican Senator from Texas [KAY BAILEY HUTCHISON].

The Chairman's amendment has tried to address this problem. It goes part of the way, but not the entire way. The Federal Government has absolutely no business telling State and local government how to price access to their local right-of-way. We should vote for localism and vote against any kind of Federal price controls. We should vote for the Stupak-Barton amendment.

Mr. BLILEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I rise in strong opposition to this Stupak amendment because it is going to allow the local governments to slow down and even derail the movement to real competition in the local telephone

market. The Stupak amendment strikes a critical section of the legislation that was offered to prevent local governments from continuing their longstanding practice of discriminating against new competitors in favor of telephone monopolies.

The bill philosophy on this issue is simple: Cities may charge as much or as little as they wanted in franchise fees. As long as they charge all competitors equal, the amendment eliminates that yet critical requirement.

If the consumers are going to certainly be looked at under this, they are going to suffer, because the cities are going to say to the competitors that come in, we will charge you anything that we wish to.

The manager's amendment already takes care of the legitimate needs of the cities and manages the rights-of-way and the control of these. Therefore, the Stupak amendment is at best redundant. In fact, however, it goes far beyond the legitimate needs of the cities.

Last night, just last night, we had talked about this in the author's amendment and we thought we worked out a deal, and we tried to work out a deal. All of a sudden I find that the gentleman, the author of the amendment, reneged on that particular deal, and now all of a sudden is saying well, we want 8 percent of the gross, the gross, of the people who are coming in. This is a ridiculous amendment. It should not be allowed, and we should vote against it.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

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

Mr. FIELDS of Texas. Mr. Chairman, thanks to an amendment offered last year by the gentleman from Colorado [Mr. SCHAEFER], and adopted by the committee, the bill today requires local governments that choose to impose franchise fees to do so in a fair and equal way to tell all communication providers. We did this in response to mayors and other local officials.

The so-called Schaefer amendment, which the Stupak amendment seeks to change, does not affect the authority of local governments to manage public rights-of-way or collect fees for such usage. The Schaefer amendment is necessary to overcome historically based discrimination against new providers.

In many cities, the incumbent telephone company pays nothing, only because they hold a century-old charter, one which may even predate the incorporation of the city itself. In many cases, cities have made no effort to correct this unfairness.

If local governments continue to discriminate in the imposition of franchise fees, they threaten to Balkanize the development of our national telecommunication infrastructure.

For example, in one city, new competitors are assessed up to 11 percent of gross revenues as a condition for doing business there. When a percentage of revenue fee is imposed by a city on a telecommunication provider for use of rights-of-way, that fee becomes a cost of doing business for that provider, and, if you will, the cost of a ticket to enter the market. That is anticompetitive.

The cities argue that control of their rights-of-way are at stake, but what does control of right-of-way have to do with assessing a fee of 11 percent of gross revenue? Absolutely nothing.

Such large gross revenue assessments bear no relation to the cost of using a right-of-way and clearly are arbitrary. It seems clear that the cities are really looking for new sources of revenue, and not merely compensation for right-of-way.

We should follow the example of States like Texas that have already moved ahead and now require cities like Dallas to treat all local telecommunications equally. We must defeat the Barton-Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Stupak-Barton amendment, which is a vote for local control over zoning in our communities.

Mr. STUPAK. 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 Stupak-Barton, that would ensure cities and counties obtain appropriate authority to manage local right-of-way.

Mr. STUPAK. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. Mr. Chairman, I congratulate my colleague from Michigan [Mr. STUPAK] on this very important amendment.

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

Mr. Chairman, we have heard a lot from the other side about gross revenues. You are right. The other side is trying to tell us what is best for our local units of government. Let local units of government decide this issue. Washington does not know everything. You have always said Washington should keep their nose out of it. You have been for control. This is a local control amendment, supported by mayors, State legislatures, counties, Governors. Vote yes on the Stupak-Barton amendment.

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

Mr. Chairman, first of all, let me say that I was a former mayor and a city councilman. I served as president of the Virginia Municipal League, and I served on the board of directors of the National League of Cities. I know you have all heard from your mayors, you have heard from your councils, and they want this. But I want you to know what you are doing.

If you vote for this, you are voting for a tax increase on your cable users, because that is exactly what it is. I commend the gentleman from Texas [Mr. BARTON], I commend the gentleman from Michigan [Mr. STUPAK] who worked tirelessly to try to negotiate an agreement.

The cities came back and said 10 percent gross receipts tax. Finally they made a big concession, 8 percent gross receipts tax. What we say is charge what you will, but do not discriminate. If you charge the cable company 8 percent, charge the phone company 8 percent, but do not discriminate. That is what they do here, and that is wrong.

I would hope that Members would defeat the amendment.

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

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

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

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

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. STUPAK] will be postponed until after the vote on amendment 2–4 to be offered by the gentleman from Massachusetts [Mr. MARKEY].

It is now in order to consider amendment No. 2–2 offered by the gentleman from Michigan [Mr. CONYERS].

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. NADLER. Mr. Chairman, can the Chair simply state if it plans to roll other votes? Some of us were waiting around for this vote.

The CHAIRMAN. It is the intention of the Chair to roll the next two votes on the next two amendments, 2–2 and 2–3, until after a vote on 2–4. We will debate the first Markey amendment.

Mr. NADLER. Could the Chair use names, please?

The CHAIRMAN. We will roll the next two amendments, the Conyers and Cox-Wyden amendments, until after the vote on the first Markey amendment.

AMENDMENT 2–2 AS MODIFIED OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer a modified amendment.

The Clerk read as follows:

Amendment as modified offered by Mr. CONYERS: Page 26, strike line 6 and insert the following:

''(c) COMMISSION AND ATTORNEY GENERAL REVIEW.—

Page 26, lines 8 and 10, page 27, lines 6 and 9, strike ''Commission'' and insert ''Commission and Attorney General''.

Page 27, lines 4 and 12, insert ''COMMISSION'' before ''DECISION''.

Page 27, after line 21, insert the following new paragraph:

''(5) ATTORNEY GENERAL DECISION.—

''(A) PUBLICATION.—Not later than 10 days after receiving a verification under this section, the Attorney General shall publish the verification in the Federal Register.

''(B) AVAILABILITY OF INFORMATION.—The Attorney General shall make available to the public all information (excluding trade secrets and privileged or confidential commercial or financial information) submitted by the Bell operating company in connection with the verification.

''(C) COMMENT PERIOD.—Not later than 45 days after a verification is published under subparagraph (A), interested persons may submit written comments to the Attorney General, regarding the verification. Submitted comments shall be available to the public.

''(D) DETERMINATION.—After the time for comment under subparagraph (C) has expired, but not later than 90 days after receiving a verification under this subsection, the Attorney General shall issue a written determination, with respect to approving the verification with respect to the authorization for which the Bell operating company has applied. If the Attorney General fails to issue such determination in the 90-day period beginning on the date the Attorney General receives such verification, the Attorney General shall be deemed to have issued a determination approving such verification on the last day of such period.

''(E) STANDARD FOR DECISION.—The Attorney General shall approve such verification unless the Attorney General finds there is a dangerous probability that such company or its affiliates would successfully use market power to substantially impede competition in the market such company seeks to enter.

''(F) PUBLICATION.—Not later than 10 days after issuing a determination under subparagraph (E), the Attorney General shall publish a brief description of the determination in the Federal Register.

''(G) FINALITY.—A determination made under subparagraph (E) shall be final unless a petition with respect to such determination is timely filed under subparagraph (H).

''(H) JUDICIAL REVIEW.—

''(i) FILING OF PETITION.—Not later than 30 days after a determination by the Attorney General is published under subparagraph (F), the Bell operating company that submitted the verification, or any person who would be injured in its business or property as a result of the determination regarding such company's engaging in provision of interLATA services, may file a petition for judicial review of the determination in the United States Court of Appeals for the District of Columbia Circuit. The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction to review determinations made under this paragraph.

''(ii) CERTIFICATION OF RECORD.—As part of the answer to the petition, the Attorney General shall file in such court a certified copy of the record upon which the determination is based.

''(iii) CONSOLIDATION OF PETITIONS.—The court shall consolidate for judicial review all petitions filed under this subparagraph with respect to the verification.

''(iv) JUDGMENT.—The court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code. The determination required by subparagraph (E) shall be affirmed by the court only if the court finds that the record certified pursuant to clause (ii) provides substantial evidence for that determination.''

Page 29, line 8, insert ''and the Attorney General's'' after ''the Commission's''.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

□ 0930

The CHAIRMAN. Under the rule, the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes, and a Member in opposition to the amendment is recognized for 15 minutes.

Mr. BLILEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes.

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

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

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

Mr. CONYERS. Mr. Chairman, I began this discussion on an amendment to reinstate the Department of Justice's traditional review role when considering Bell entry into new lines of business by congratulating the chairman of the full committee, the gentleman from Illinois [Mr. HYDE]. In the committee bill that the Committee on the Judiciary reported, we were able to come together and bring forward an amendment exactly like the one that is now being brought forward.

I appreciate the chairman's role in this matter.

The amendment is identical to the test approved by the Committee on the Judiciary, as I have said earlier this year, on a bipartisan basis. Everyone on the committee, with the exception of one vote, supported our amendment. It was named the Hyde-Conyers amendment. It received wide support, and I hope we continue to do that.

It provides simply that the Justice Department disapprove any Bell request to enter long-distance business as long as there is a dangerous probability that such entry will substantially impede competition.

Point No. 1: This amendment on the Department of Justice role is more modest than the same provision for a Department of Justice role in the Brooks-Dingell bill that passed the House on suspension by 430 to 5 last year. So, my colleagues, we are not starting new ground. This is not anything different. It has received wide scrutiny and wide support. It is a matter that should not be in contention and should never have been omitted from either bill and certainly not the manager's amendment.

The Justice Department is the principal Government agency responsible for antitrust enforcement. Please understand that the 1984 consent decree has given the Department of Justice decades of expertise in telecommunications issues. By contrast, the FCC has no antitrust background whatsoever.

Remember, we are taking the court completely out of the picture. So what we have is no more court reviews or waivers. We have a total deregulation of the business. Unless we put this amendment in, we will not have a modest antitrust responsibility in this huge, complex circumstance.

Given this state of facts, it makes unquestionable sense to allow the antitrust division to continue to safeguard competition and preserve jobs. For the last 10 years the Justice Department has done an excellent job in keeping local prices, which have gone up, and long-distance rates, which have gone down.

The amendment I'm offering will reinstate the Department of Justice's traditional review role when considering Bell entry into new lines of business. The amendment is identical to the test approved by the Judiciary Committee earlier this year on a bipartisan 29 to 1 basis. It provides that the Justice Department must disapprove a Bell request to enter the long-distance business so long as there is a dangerous probability that such entry will substantially impede competition.

This should not even be a point of contention. The Justice Department is the principal Government agency responsible for antitrust enforcement. Its role in the 1984 AT&T consent decree has given it decades of expertise in telecommunications issues. The FCC by contrast has no antitrust background whatsoever. Many in this body have slated the FCC for extinction or significant downsizing.

Given this state of facts it makes unquestionable sense to allow the Antitrust Division to continue to safeguard competition and preserve jobs. For the last 10 years the Justice Department has been given an independent role in reviewing Bell entry into new lines of business, and the result has been a 70-percent reduction in long-distance prices and an explosion in innovation.

At a time when the Bells continue to control 99 percent of the local exchange market, I, for one, think we should have the Antitrust Division continue in this role. Don't be fooled by the FCC checklist—the Bells could meet every single item on that list and still maintain monopoly control of the local exchange market.

Last Congress this body approved—by an overwhelming 430 to 5 vote—a bill which provided the Justice Department with a far stronger review than my amendment does. It's no secret that I would have preferred to see this same review role given to the Justice Department this Congress. However, in the spirit of bipartisan compromise I agreed to a more lenient review role with Chairman HYDE when the Judiciary Committee considered telecommunications legislation. I was shocked when this very reasonable compromise test

was completely ignored when the two committees sought to reconcile their legislation.

Finally, I would note that the amendment has been revised to clarify that any determinations made by the Attorney General are fully subject to judicial review. It was never my intent to deny the Bells or any other party the right to appeal any adverse determination, so to accomplish this purpose I have borrowed the precise language from the Judiciary bill.

I urge the Members to vote for this amendment which gives a real role to the Justice Department and goes a long way toward safeguarding a truly competitive telecommunications marketplace. In an industry that represents 15 percent of our economy, we owe it to our constituents to do everything possible to make sure we do not return to the days of monopoly abuses.

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

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

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

Mr. BLILEY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The core principle behind H.R. 1555 is that Congress and not the Federal court judge should set telecommunications policy. This is one of the few issues that seems to have universal agreement, that Congress should reassert its proper role in setting national communications policy.

My colleagues, last November the citizens of this country said, loud and clear, we want less Government, less regulation. Getting a decision out of two Federal agencies is certainly a lot harder than getting it out of one. For that reason alone, this amendment ought to be defeated.

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

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT], a member of the committee.

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

Mr. BRYANT of Texas. Mr. Chairman, the gentleman from Michigan [Mr. CONYERS] made a very important point a moment ago when he pointed out that last year when we passed the bill by an enormous margin, we had a stronger Justice Department provision in the bill than we do, than even the Conyers amendment today would be.

The House has adopted the manager's amendment over our strong objections, but for goodness sakes consider the fact that, while the gentleman from Virginia [Mr. BLILEY] makes the point that we have decided that Congress shall make the decision with regard to communications law rather than the courts, Congress cannot make the decisions with regard to every single case out there.

As is the case throughout antitrust law, all we are saying with the Conyers amendment is that the Justice Department ought to be able to render a judgment on whether or not entry into this line of business by one of the Bell companies is going to impede competition rather than advance it.

Now, what motive would the Justice Department have to do anything other than their best in this matter? They have done a fine job in this area now for many, many years. The Conyers amendment would just come along and say, we are going to continue to have them exercise some judgment.

What we had in the bill before was that when there is no dangerous probability that a company who is trying to enter one of these lines of business or its affiliates would successfully use its market power and the Bell companies have enormous market power, to substantially impede competition, and the Attorney General finds that to be the case, there will be no problem with going forward.

When they find otherwise, there will be a problem with going forward, and we want there to be a problem with going forward. For goodness sakes, we know that the developments with regard to competition in the last 12 years are a result of a court, a sanction agreement, supervised by a judge. I do not know that that is the best process, but the fact of the matter is we allowed competition where it did not exist before.

Why would we now come along and take steps that would move us in the direction of impeding competition or essentially impeding competition? Give the Justice Department the right to look at it as they look at so many other antitrust matters. The President has asked for it. I think clearly we asked for it a year ago.

Let us keep with that principle.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Chairman, there are three things wrong with this amendment. The first is the agency which will be administering it, the Justice Department. The Justice Department is in good part responsible for the unfair situation which this country confronts in telecommunications. The Justice Department and a gaggle of AT&T lawyers have been administering pricing and all other matters relative to telecommunications by both the Baby Bells and by AT&T. So if there are things that are wrong now, it is Justice which has presided.

The second reason is that if we add the Justice Department to a sound and sensible regulatory system, it will create a set of circumstances under which it will become totally impossible to have expeditious and speedy decisions of matters of importance and concern to the American people.

The decisions that need to be made to move our telecommunications policy forward can simply not be made where you have a two-headed hydra trying to address the telecommunications problems of this country.

Now, the third reason: I want Members to take a careful look at the graph I have before me. It has been said that a B–52 is a group of airplane parts flying in very close formation. The amendment now before us would set up a B–52 of regulation. If Members look, they will find that those in the most limited income bracket will face a rate structure which is accurately represented here. It shows how long-distance prices have moved for people who are not able to qualify for some of the special goody-goody plans, not the people in the more upper income brackets who qualify for receiving special treatment.

This shows how AT&T, Sprint and MCI rates have flown together. They have flown as closely together as do the parts of a B–52. Note when AT&T goes down, Sprint and MCI go down. When MCI or AT&T go up, the other companies all go up. They fly so closely together that you cannot discern any difference.

This will tell anyone who studies rates and competition that there is no competition in the long distance market. What is causing the vast objection from AT&T, MCI and Sprint is the fact that they want to continue this cozy undertaking without any competition from the Baby Bells or from anybody else.

If Members want competition, the way to get it is to vote against the Conyers amendment. If you do not want it and you want this kind of outrage continuing, then I urge you to vote for the amendment offered by the gentleman from Michigan [Mr. CONYERS] who is my good friend.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I say to my very dear colleague and the dean of the Michigan delegation, that ain't what he said when the Brooks-Dingell bill came up only last year, and he had a tougher provision with the Department of Justice handling this important matter.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN], a very able member of the Committee on the Judiciary.

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

Everything that my friend from Michigan [Mr. DINGELL] said about the question of competition can be assumed to be true, and none of it would cause Members to vote against the Conyers amendment. Because I do not think we should put artificial restrictions on the ability of the Bell companies to go into long distance, I supported the manager's amendment because it got rid of a test that made it virtually impossible for them to ever enter that competition.

Now the only question is whether the Justice Department, that had the foresight starting under Gerald Ford, finishing under Ronald Reagan, to break

up the Bell monopolies, should be allowed to have a meaningful role, a role defined by a test which is so restrictive that it says, unless, unless the burden supports, the assumption is with the Bell companies. It says unless the Attorney General finds that there is a dangerous probability that such company or its affiliates would successfully use market power to substantially impede competition in the market such company seeks to enter, it is an extremely rigorous test that must be met to stop them from entering the market. But it gives the division that has been historically empowered to decide whether there is anticompetitive practices a role in deciding whether or not that entry will impede competition.

This place voted last year by an overwhelming vote for a test that was far more rigorous, a test that said that they could not enter unless we found there was no substantial possibility that they could use monopoly power to impede competition. Do not overreach, the proponents of Bell entry into long distance, do not over reach. Do not shut the Justice Department out from an historic role that they have had, that they should have, to look at whether or not there is a high probability that they will cause, they will exercise monopoly power.

Support the Conyers amendment.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I want to congratulate the gentleman from Michigan for reviving the judiciary bill which did pass our committee 29 to 1, because it does go a long way toward establishing or reestablishing a principle that I believe in; namely, that antitrust laws should be reviewed and administered by that department of government specifically designed to do that, and that is the Department of Justice.

□ 0945

When a Baby Bell enters into manufacturing or into long distance, antitrust questions are brought into play. The Department of Justice, it seems to me, is the appropriate agency to oversee that transition and analyze the competitive implications.

Once the bills are in these new lines of business and operating, it becomes a regulatory proposition and then oversight by the Federal Communications Commission is appropriate.

Mr. Chairman, what the gentleman from Michigan [Mr. CONYERS] has done is to propose a more meaningful role for the Department of Justice, which is what the Judiciary Committee wanted to do. But the problem is, that DOJ comes in at the tail end of the regulatory process. It becomes a double hurdle for a Baby Bell trying to get into manufacturing or long distance. It is not the same quick, clean expedited process that we had in our legislation (H.R. 1528).

So, it adds additional hurdles for a company, a Bell company seeking to get into manufacturing or long distance. It will add considerably to the amount of time that is consumed. A Bell company can make all of the right moves and do everything it wants, and then at the end of the process be shot down by the Department of Justice.

Mr. Chairman, I had proposed and preferred a dual-track, dual-agency situation where options could be chosen by the Bells to get into these new businesses, but that is not to be.

Having said what I have just said, I do approve and appreciate the fact that a more expansive role is proposed to the Department of Justice in dealing with these important antitrust issues. After all, it is an antitrust decree that we are modifying, the modified final judgment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER], ranking minority member of the Committee on the Judiciary.

Mrs. SCHROEDER. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Michigan [Mr. CONYERS]. What we are doing here is we are getting ready to unleash these huge, huge economic forces. They are huge.

The Justice Department, I wish it were much stronger, to be perfectly honest. Last year, the bill that people voted for had this type of language in it. It is an independent agency. It is not the FCC.

Mr. Chairman, it seems to me that if we are getting ready to unleash these huge forces on the American consumer, we ought to want some watchdog, some watchdog out there someplace.

Granted, we want competition, but what we may end up with is one guy owning everything. If my colleagues want the Justice Department for heaven's sakes, vote ''yes.''

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

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

Mr. FIELDS of Texas. Mr. Chairman, the most difficult issue in this bill has been how the local loop is opened to competition. No question, that is where the focus of the controversy has been. It is a delicate question.

Mr. Chairman, what we have attempted to do is to open this in a sensible and fair way to all competitors. Consequently, we created a checklist on how that loop is opened. We have the involvement of the State public utility commissions in every State in that particular question. We have reviews by the Federal Communications Commission that the loop is open. Consequently, there is no need to give the Department of Justice a role in the opening of that loop.

We have worked with our good friends on the Committee on the Judiciary coming up with a consultative role for the Justice Department. It was never envisioned by Judge Greene in the modified final judgment that Justice would have a permanent role and this is the time we made the break. This is the time we move this telecommunications industry into the 21st century.

Mr. Chairman, a sixth of our economy is involved in this particular industry. Central to opening up telecommunications to competition is to open the loop correctly and as quickly as possible, because in opening the loop and creating competition, we have more services, we have newer technologies, and we have these at lower costs to the consumer. That is a desired result and that is something that we have worked for this particular bill.

Mr. Chairman, that is why we have spent so much time on how this loop is opened and there is no need for Justice to have an expanded role.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. SCHIFF], a member of the Committee on the Judiciary from the other side of the aisle.

Mr. SCHIFF. Mr. Chairman, I want to make it clear, first, that I agree completely with the direction of the bill. I voted in favor of the manager's amendment of the gentleman from Virginia [Mr. BLILEY], because I think we want to go from the courts, the Congress, and ultimately get Congress out of this and let companies compete.

Mr. Chairman, I think the future is one of companies that compete in different areas simultaneously. Each company will offer telephone services, entertainment services, and so forth. But we must remember that this whole matter has arised from an antitrust situation. Even though we want all companies, including the regional Bells, to participate in all aspects of business enterprise, the fact of the matter is that there is still basically a control of the local telephone market.

For that reason, Mr. Chairman, for a period of time, the Department of Justice should have a specific identifiable role in this bill. That is why I urge my fellow Members of the House to support the Conyers amendment.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I am not a member of the Committee on the Judiciary, but I am interested in its findings.

Mr. Chairman, H.R. 1555 assigns to the FCC the regulatory functions to ensure 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 them the features, functions and capabilities of the Bell companies' networks that the new entrants need to compete.

The bill also contains other checks and balances to ensure that competition occurs in local and long distance growth. 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. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA], a very able member of the Committee on the Judiciary.

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

Mr. BECERRA. Mr. Chairman, let us not forget that the Ma Bell operating company, AT&T was broken up because the company used its control of local telephone companies to frustrate long-distance competition. It was the Justice Department that pursued the case against AT&T, through Republican and Democratic administrations, to stop those abuses.

Mr. Chairman, the standard that is in the Conyers amendment, which is the standard adopted and passed by the Committee on the Judiciary, Republican and Democrats, except for 1 member voting for it, is the standard that we are trying to get included now. It is a standard that is softer than the standard that was passed by 430 to 5 last year by this same House.

It is a standard that is softened for the regional operating companies to be able to pursue and it is a very rigorous standard that the Justice Department must meet in order to be able to stop a local company from coming in.

Mr. Chairman, let us not forget that the Republican Congress is trying to eliminate the FCC, and now they are asking the FCC to be the watchdog for consumers in this area. We should have a safety net for consumers and ratepayers.

Vote for the Conyers amendment.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Roanoke, VA [Mr. GOODLATTE], a member of the Committee on the Judiciary.

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

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to the Conyers amendment.

Mr. Chairman, when Congress acts to end the current judicial consent decree management of the telecommunications industry, the Department of Justice should not simply take over. H.R. 1555 preserves all of the Department of Justice's antitrust powers. I agree with the chairman of my committee that when there are antitrust violations, the Department of Justice should step in.

Mr. Chairman, the Conyers amendment would dramatically increase the Department's statutory authority to regulate the telecommunications industry, a role for which the Department of Justice was never intended.

Currently, the Federal Communications Commission and the public service commissions in all 50 States and the District of Columbia regulate the telecommunications industry to protect consumers.

This combination of Federal and State regulatory oversight is effective and will continue unabated under both the House and the Senate legislation. There is no reason why two Federal entities, the Federal Communications Commission and the Department of Justice, should have independent authority in this area once Congress has set a clear policy.

The Department of Justice seeks to assume for itself the role currently performed by Judge Greene. The Department, in effect, wants to keep on doing things the way they are, but they are going to replace Judge Greene with themselves.

Mr. Chairman, I voted for the separate standard for the Department of Justice in the Committee on the Judiciary, but that was presuming, as the chairman of the committee informed us, it would be the sole separate standard. Now, they are seeking to impose that standard on top of the authority provided to the Federal Communications Commission in the bill.

All of the tests, one after the other, that the FCC will require, will have to be met and then a dual review will be imposed where the Department of Justice will step in at the end.

Mr. Chairman, I urge opposition to the amendment and support for the bill.

Mr. Chairman, I include the following for the RECORD.

STATEMENT OF REPRESENTATIVE GOODLATTE ON H.R. 1555, AUGUST 2, 1995

Mr. Chairman, I rise in support of H.R. 1555.

Mr. Chairman, I want to thank Chairmen HYDE, BLILEY and FIELDS for their able leadership in bringing this important legislation to the House floor. The American people will benefit from the increased availability of communications services, increased number of jobs, and a strengthened global competitiveness from this bill.

Throughout the debate on this legislation, I have aimed at bringing these benefits to Americans as soon as possible. I continue to believe that this goal can best be achieved by lifting all government-imposed entry restrictions in all telecommunications markets at the same time. Whether they are State laws that pervent cable companies or long distance companies from competing in the local exchange or the AT&T consent decree that prevents the Bell companies from competing in the long distance market, these artificial government-imposed restraints all inhibit the development of real competition.

Under this legislation, State laws that today prevent local competition will be lifted. Upon enactment, the local telephone exchange will be legally opened for any competitor to enter.

But the bill does not stop here and merely trust to fate. It goes further. It requires the Bell companies and other local exchange carriers such as GTE and Sprint-United to unbundle their networks and to resell to competitors the unbundled elements, features, functions, and capabilities that those new entrants need to compete in the local market. It also requires State commissions and the FCC to verify that the local carriers meet these obligations.

It gives new entrants the incentive to build their own local facilities-based networks, rather than simply repackaging and reselling the local services of the local telephone company. This is important if the information superhighway is to be truly competitive.

The bill also contains cross checks to ensure either that facilities-based competition is present in the local exchange or that the Bell companies have done all that the bill requires of them before they will be permitted to offer interLATA services and to manufacture. This is a strong incentive for them to comply with the requirements of this legislation.

It will take time for the Bell companies to satisfy all of the conditions in the bill. This built-in delay will provide the long distance and cable companies a head start into the local exchange.

The bill recognizes that there are several significant problems with such a government-mandated head start. And, it deals with those issues. While the bill does not create the simultaneity of entry that the Bell companies have requested, it also does not impose the artificial delay sought by the long distance companies.

This bill achieves a sound public policy. First, it gets the conditions right. Second, it requires verification that the conditions have been met. Third, it assures that they have begun to work. Then, fourth, it lets full competition flourish by lifting the remaining restrictions on the Bell companies.

You don't have to take my word on the soundness of this approach. None other than the Department of Justice advocated it 8 years ago.

As a member of the Judiciary Committee, I have been following this particular matter for several years. In 1987 the Department filed its first and only Triennial Review with the Decree Court. It recommended that if a Bell company shows that an area in its region is free of regulatory barriers to competition, then the interLATA restrictions should be lifted, even if—the Department noted—a residual core of local exchange services remains a natural monopoly at that time. That is, when there are no restrictions on either facilities-based intraLATA competition or on resale of Bell company services, interLATA relief should be granted.

The Department acknowledged that, with the removal of entry barriers and the requirement for resale of local exchange services, a majority of customers would likely stay with local exchange carriers and some areas of local exchange might remain natural monopolies. Nevertheless, it believed that the potential for discrimination would be significantly reduced because of (1) increased alternatives, especially for higher volume customers, and (2) increased need for Bell companies to interconnect with private networks.

Bell companies, according to the Department, immediately would be subject to substantial competitive pressures. The threat or possibility of competition would be sufficient that the residual risk posed by the Bell companies could be contained effectively through regulatory controls, according to the DOJ.

Noting that competition will reduce intraLATA toll and private line rates, the Department correctly concluded that only basic local exchange service and residential

exchange access would remain as services capable of being inflated to cover misallocated costs of competitive activities. Indeed, intraLATA toll competition has been and is allowed in virtually every state and has already significantly eroded the Bell companies' market share of these services. Moreover, competition in the exchange access market also has grown significantly as the successes of companies like Teleport and MFS attest.

And, some very powerful and well-financed companies have targeted the local telephone market for competition. Companies like MCI are investing in local networks. So are cable companies that already have strong local presences. Significantly, AT&T has spent billions to move back into local telephony through its acquisition of McCraw Cellular and its success in bidding on PCS licenses.

As the Department prognosticated, this leaves only local services as a potential source of subsidy. However, as it also correctly recognized, basic local exchange and residential services are a very unlikely source of subsidy.

Those rates have been and are currently subsidized by other rates (i.e., residential rates are below costs and therefore cannot subsidize other services). And, they are beyond the unilateral power of the Bell companies to raise.

State regulators have clearly demonstrated over the years that they are unwilling to let basic residential charge rise. It is important to note that this bill preserves the State's ability to prevent the Bell companies from raising local exchange rates.

The bill also prevents interconnection rates from being the source of subsidy as it requires those rates to be just and reasonable before the Bell companies get intraLATA relief. It eliminates the Bell companies' ability to use their local exchange networks in a discriminatory fashion to impede their competitors.

This legislation achieves the conditions that DOJ set forth eight years ago, and in my view goes even further by requiring regulatory verifications before the Bell companies are actually relieved of the intraLATA restriction. First, upon enactment, it lifts all state and local laws that have previously barred cable and long distance companies from competing in the local exchange services market. In other words, it will ensure that there are no legal barriers to facilities-based competition.

Second, it not only requires the Bell companies to resell their local services, but it also identifies the elements, features, functions and capabilities that the Bell companies and other local exchange carriers will have to unbundle for their competitors. Although AT&T was required to resell its long distance services to its competitors in order to spur long distance competition, it was not required to make new services for its competitors through unbundling. Moreover, the bill's requirements on unbundling and resale are far more detailed and precise and therefore more enforceable by the commission, courts and competitors than the Department's general resale condition.

In the final analysis, Mr. Chairman, I support this bill because it strikes a balance that will bring competition in cable and telephony to the American people. It may not come as soon as some want or, indeed, as soon as I want, but it won't be delayed as long as others desire.

I am comforted as well that I do not have to take all of this on blind faith. I believe that the FCC and the State commissions will make sure the competition rolls out quickly and fairly and that local rate payers will not foot the bill. I am also sure that the Department of Justice is fully capable under this legislation of not only monitoring these developments but of playing an active role in the continued enforcement of the antitrust laws to shape the most robustly competitive telecommunications market in the world.

The American people deserve nothing less. We should not disappoint them. We should delay no further.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. LOFGREN], a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, like many of my colleagues, I have heard from Baby Bells, long-distance carriers, until I am really tired of hearing from them. What I have done is call Silicon Valley, who basically does not care about the Bells or the long-distance carriers. They do care about competition.

Mr. Chairman, the advice I have gotten is that there should be a little role for the Department of Justice. I realize that there are some on the Democratic side of the aisle, including the White House, who feel that this measure is way too weak; that we should have a much bigger role. Honestly I disagree with them.

Mr. Chairman, I think the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] got it exactly right. A very high threshold, a 180-day turnaround, and a break in case things do not turn out the way we hope.

Mr. Chairman, I urge support of the amendment.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN], a member of the Committee on Commerce.

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

Mr. TAUZIN. Mr. Chairman, I have with me a small chart that shows the result of judge-made law when it comes to telecommunications. What we just debated on the manager's amendment was to end the system of the LATA lines, the lines on the map drawn by the judge regulating communications policy in America.

Mr. Chairman, this is one of those LATA lines, a line of restriction of competition. This line runs through Louisiana, through one of my parishes in Louisiana, separating the town of Hornbeck and Leesville.

Mr. Chairman, they are in the same parish. The school board in that parish, in order to communicate from one office to the other, has to buy a line that runs from Shreveport to Lafayette back to Leesville at a cost per year of $43,000 more than they would have to pay if they could simply call 16 miles across these two communities.

Mr. Chairman, the court-ordered line has cost that school board $43,000. This is the kind of court-made law we avoid in this bill. Let us not give it back to the Justice Department. Let us write communications law in this Chamber.

□ 1000

Mr. CONYERS. Mr. Chairman, I yield 1 minute 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 would really like to thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] for their leadership and for their bipartisan approach to this amendment. I think that we should not be looking at the long-distance providers on one side and the regional Bells on the other side.

Really, what the input of the Committee on the Judiciary in this amendment is, is to simply go right down the middle in dealing with competition, by enhancing the opportunity for competition. In fact, unlike my colleagues who have opposed it, this is not a override. This equates to the Department of Justice and the FCC working together and complementing each other.

Mr. Chairman, what it says is, there will not be a limitation, there will not be a prohibition of the Antitrust Division of the DOJ from reviewing for acts that impede competition. The FCC and DOJ will work together, and the dual responsibility will not hinder the other. The DOJ will not delay the regional Bell's entry into other markets, for there is a time frame in which they must respond; and the courts are not there to inhibit, but are there to give the opportunity for any judicial review that either party to access. This is a fair amendment.

I believe that we must get away from who said what in this debate, and focus on competition for the consumers. Let us make this a better bill and support this amendment, Mr. Chairman.

I must rise in support of a strong role of the Justice Department to help ensure that the telecommunications industry is truly competitive. The telecommunications industry is a critically important industry as we enter the 21st century. The Conyers amendment provides a reasonable role for the Justice Department to determine whether competition exists in the telecommunications markets. The Justice Department, through its Anti-trust Division, has considerable experience in carrying out this important function. The Justice Department needs and deserves more than a consultative role that is envisioned in the manager's amendment to H.R. 1555.

The standard of review proposed in this amendment is a medium standard that allows the Justice Department to prohibit local telephone companies from entering long-distance services or manufacturing equipment if ''there is a dangerous probability that the Bell company or its affiliates would successfully use market power to substantially impede competition'' in the market. The amendment also provides the right to judicial review. This standard was overwhelmingly approved in the

House Judiciary Committee by a vote of 29 to 1. Let us ensure competition by supporting this amendment. The Conyers amendment will help the regional Bells, the long-distance providers, and most of all, our consuming public.

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

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WATERS], who has followed this matter with great interest.

Ms. WATERS. Mr. Chairman, I rise in support of the Conyers amendment. Just once this year, we should do something that protects consumers; this amendment would accomplish that purpose.

Mr. Chairman, we are entering a brave new world in telecommunications law. In theory, the deregulatory provisions contained in this legislation will unleash a new era of competition between local and long-distance carriers, as well as between the telecommunications and cable industries.

However, free market competition is predicated on nonmonopolistic power relationships between competing firms. The Conyers amendment would ensure that local telephone companies would not impede competition through monopoly behavior.

The Conyers compromise language would perfect language currently in the bill. It would preserve the Justice Department's traditional role as the primary enforcer of antitrust statutes. It would do so alongside, not in conflict with, the regulatory responsibilities of the FCC.

Mr. Chairman, this bill is an experiment. No one knows for sure what the outcome will be as we enter the 21st century telecommunications world. I ask for an ''aye'' vote.

Mr. CONYERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I thank the gentleman and rise in support of the Conyers amendment.

This amendment will protect consumers of the long-distance market from potential anticompetitive conduct by Bell companies which currently monopolize local telephone service, but without the consuming bureaucratic requirements unfairly tying up the Bell companies. An active Department of Justice role will not delay a Bell entry into the market because the Justice Department would be required to reach its decision within 3 months.

Because the Conyers amendment is a balanced amendment designed to protect America's consumers from the dangers of anticompetitive conduct, Mr. Chairman, I urge my colleagues to vote ''yes'' on the Conyers amendment. It is in the best interest of the consumer.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Conyers amendment to referee the gigantic money interests who have their hands in the pockets of the American people.

There has been enough money spent on lobbying this bill to sink a battleship.

I wish to insert in the RECORD a partial list of what over $40 million in lobbying contributions has bought. I leave it to the American people to make their own judgments. This bill is living proof of what unlimited money can do to buy influence and the Congress of the United States.

POLITICAL CONTRIBUTIONS BY REGIONAL BELL OPERATING COMPANIES [RBOC] HARD MONEY PAC CONTRIBUTIONS TO MEMBERS OF CONGRESS YEAR TO DATE 1995 [1]

	Democrats	Republicans
Ameritech	38,950	113,588
Bell Atlantic	2,100	12,466
Pacific Telesis	10,500	27,949
Southwestern Bell	29,600	48,200
Partial total YTD	78,150	202,203

[1] Several of the RBOC's have chosen to report their contributions less frequently than once a month, as the law allows. Figures are not available for Bellsouth, NYNEX, or U.S. West.

POLITICAL CONTRIBUTIONS BY REGIONAL BELL OPERATING COMPANIES [RBOC] SOFT MONEY FIRST QUARTER 1995

Name	Democratic	Republican
Ameritech	250	0
Bell Atlantic	3,000	25,000
BellSouth	0	15,000
Nynex	20,000	25,000
Southwestern Bell	0	0
Pacific Telesis	250	22,000
US West	0	15,000
Total	23,500	122,000

[Excerpts from Common Cause newsletter, June 5, 1995]

''ROBBER BARONS OF THE '90s''

Telecommunications industries, which stand to gain billions of dollars from the congressional overhaul of telecommunications policy, have used $39,557,588 in political contributions during the past decade to aid their fight for less regulation and greater profits, according to a Common Cause study released today.

The four major telecommunications industries involved in this legislative battle—local telephone services, long distance service providers, broadcasters and cable interests—contributed $30.9 million in political action committee (PAC) funds to congressional candidates, and $8.6 million in soft money to Democratic and Republican national party committees, during the period January 1985 through December 1994, the Common Cause study found.

Top telecommunications industry PAC and soft money contributors, 1985–1994

AT&T	$6,523,445
BellSouth Corp	2,928,673
GTE Corp	2,899,056
Natl Cable Television Assn	2,211,214
Ameritech Corp	1,936,899
Pacific Telesis	1,742,512
US West	1,666,920
Natl Assn Of Broadcasters	1,629,988
Bell Atlantic	1,559,011
Sprint	1,531,596

''A strong case can be made that the war over telecommunications reform has done more to line the pockets of lobbyist and lawmakers than any other issue in the past decade.''—Kirk Victor, National Journal

Among the key findings of the Common Cause study:

Local telephone services made $17.3 million in political contributions during the past decade. Long distance providers gave $9.5 million in political contributions; cable television interests gave $8 million; and broadcasters gave $4.7 million.

The biggest single telecommunications industry donation came from Tele-Communications Inc, the country's biggest cable company. The company gave a $200,000 soft money contribution to the Republican National Committee five days before the last November's elections.

Telecommunication PACs were especially generous to members of two key committees that recently passed bills to rewrite telecommunication regulations. House Commerce Committee members received, on average, more than $65,000 each from telecommunications PACs; Senate Commerce Committee members received, on average, more than $107,000 each.

Two-thirds of House freshmen received PAC contributions from telecommunications interests immediately following their November election wins. Between November 9 and December 31, 1994, telecommunications PACs gave new Representatives-elect a total $115,500.

In January, top executives of telecommunications companies that gave a total $23.5 million in political contributions during the past decade were invited to closed-door meetings with Republican members of the House Commerce Committee. Consumer and rate-payer groups—who were not major political donors—were not invited to the special meetings.

Lobbyists for the telecommunications industry represent a wide array of Washington insiders. For example, former Reagan and Bush Administration officials represent long distance providers, while a former Clinton official represents local telephone interests. Lobbying on behalf of broadcast interests are former aids to both Republican and Democratic Members of Congress.

In addition to their political contributions during the past decade, telecommunications interests contributed $221,000 in soft money to the Republican National Committee during the first three months of 1995. (Democratic National Committee soft money information for the first six months of 1995 will be available in July.)

HOUSE COMMERCE COMMITTEE MEMBERS RECEIVE ON AVERAGE $65,000 EACH FROM TELECOM PACS—DOUBLE THE HOUSE AVERAGE

Telecommunications industry lobbyists ''have seldom met more receptive lawmakers,'' than the members of the House Commerce Committee.—The New York Times

Telecommunications industry Pacs gave a total $6,676,147 in contributions to current Senators during the past decade, an average $66,761 per Senator, according to the Common Cause study.

SENATE COMMERCE COMMITTEE MEMBERS RECEIVE ON AVERAGE $107,000 EACH FROM TELECOM PACS

The Common Cause study found that members of the Senate Commerce, Science and Transportation Committee received nearly twice as much PAC money on average from telecommunications interests during the past decade as other Senators—an average of $107,730 compared to $57,152 received by Senators not on the committee.

''ROBBER BARONS OF THE '90S''

''By and large, the public is not represented by the lawyers and the lobbyists in Washington. The few public advocates are overwhelmed financially. It's all very fine to say that you are in favor of competition. I am. The Administration is. Congress is. But competition won't give you everything the country needs from communications companies. We've got to be able to stand up to

business on certain occasions and say, 'It's not just about competition, it's about the public interest.'"—Reed Hundt, Federal Communications Commission Chair as quoted in The New Yorker

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Miss COLLINS].

(Miss COLLINS of Michigan asked and was given permission to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Chairman, I rise in strong support of the Conyers amendment and urge my colleagues to adopt it.

Many have argued during this debate that we must deregulate the telecommunications industry, and by eliminating any role for the Department of Justice in determining Regional Bell operating company entry into long distance, we are working toward and goal. Well I think you are making a terrible mistake if you confuse forbidding the proper anti-trust role of the Department of Justice with deregulation.

The Republicans in this body should recall it was under the Reagan administration that the Department of Justice broke up the Bell system over a decade ago. That decision has been an undisputed success. Without the role played by the Department of Justice, consumers would still be renting large rotary black phones and paying too much for long distance services. The Department of Justice actions promoted competition, not regulation.

Without the Department of Justice role, we can expect those communication's attorneys to be in court, fighting endless anti-trust battles. The role we give the Department of Justice in this amendment will make it less likely that we will end up back in court, and the Department will ensure that anti-trust violations would be minimal, prior to the decision granting a Bell operating company the ability to offer long distance service.

Calling this amendment regulatory, is doing a disservice to the potential for true deregulation—which is full competition in all markets. The structure provided by the Department of Justice ensures that the markets will develop quickly, and with less litigation.

Mr. Chairman, I urge my colleagues to support this amendment. I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. HINCHEY].

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

Mr. HINCHEY. Mr. Chairman, this bill has been described as a clash between the super rich and the super wealthy. That Is unquestionably true, but in the clash of these titans, the question is, who stands for the American public?

The answer to that question is, without the Conyers amendment, no one. The American people stand naked before the potential excesses of these giants unless we have some protection from them offered by the Justice Department.

There is an incredibly high standard in this bill, Mr. Chairman. There must be a dangerous probability of substantially impeding justice before the Justice Department comes in. Let us pass the Conyers amendment and protect the American people.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding the time.

The FCC is essentially the agency that would be able to consult with the Department of Justice under the manager's mark that we passed this morning. But when we talk about going from a monopoly industry, which telecom was after 1934, to a competition-based industry, the competition agency, those who keep the rule, those who decide if there is a dangerous probability, if those gigantic billionaires players are being fair, is the Department of Justice.

Mr. Chairman, I simply say that the Conyers amendment makes sure that fairness is done, that the referee is in place. I urge my colleagues to support the Conyers amendment.

Mr. BLILEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. OXLEY] for purposes of closing the debate on our side.

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

Mr. OXLEY. Mr. Chairman, I rise in opposition to the Conyers amendment. This bill in all of its forms does not repeal the Sherman Act. We have had the Sherman Act for over 100 years.

It does not repeal the Clayton Act passed in 1914. Anticompetitive behavior will be reviewed by the Justice Department, whether it is the telecommunications industry or whether it is the trucking industry or any other kind of industry that we are talking about. The Justice Department is not going away.

What we are trying to do, Mr. Chairman, or what the Conyers amendment seeks to do, is basically replace one court with another, except a different standard.

This amendment guts the underlying concept of this bill, which is pure competition, and the idea to get Congress back into the decisionmaking process. How long do we have to have telecommunications policy made by an unelected Federal judge who has no accountability to anyone; when are we going to get back to providing the kind of responsible decisionmaking that we are elected to do?

Mr. Chairman, I suggest to my colleagues that the underlying bill provides that kind of ability and accountability for the duly elected representatives of the people.

This amendment creates needless bureaucracy by having not one, but two Federal agencies review the issue of Bell Co. entry into long distance. The purpose of this legislation is to create conditions for a competitive market and get the heavy hand of Government regulation out of the way. This Conyers amendment is inconsistent with that purpose.

Mr. Chairman, this is a huge opportunity to provide competitive forces in the marketplace away from Government. If we believe that competition and not bureaucracy is the answer to modernizing our telecommunications policy, to providing more choice in the marketplace, to providing lower prices, to making America the most competitive telecommunications industry in the entire world, we will vote against the Conyers amendment and support the underlying bill.

Mr. Chairman, I ask my colleagues to join me in opposition to the Conyers amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS], as modified.

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

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

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. CONYERS], as modified, will be postponed until after the vote on amendment 2–4 to be offered by the gentleman from Massachusetts [Mr. MARKEY].

It is now in order to consider the amendment, No. 2–3, printed in part 2 of House Report 104–223.

AMENDMENT OFFERED BY MR. COX OF CALIFORNIA

Mr. COX of California. Mr. Chairman, I offer an amendment numbered 2–3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 2–3 offered by Mr. COX of California:'

Page 78, before line 18, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 104. ONLINE FAMILY EMPOWERMENT.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. PROTECTION FOR PRIVATE BLOCKING AND SCREENING OF OFFENSIVE MATERIAL; FCC REGULATION OF COMPUTER SERVICES PROHIBITED.

"(a) FINDINGS.—The Congress finds the following:

"(1) The rapidly developing array of Internet and other interactive computer services available to individual Americans represent an extraordinary advance in the availability of educational and informational resources to our citizens.

"(2) These services offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology develops.

"(3) The Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity.

"(4) The Internet and other interactive computer services have flourished, to the benefit of all Americans, with a minimum of government regulation.

"(5) Increasingly Americans are relying on interactive media for a variety of political,

educational, cultural, and entertainment services.

''(b) POLICY.—It is the policy of the United States to—

''(1) promote the continued development of the Internet and other interactive computer services and other interactive media;

''(2) preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by State or Federal regulation;

''(3) encourage the development of technologies which maximize user control over the information received by individuals, families, and schools who use the Internet and other interactive computer services;

''(4) remove disincentives for the development and utilization of blocking and filtering technologies that empower parents to restrict their children's access to objectionable or inappropriate online material; and

''(5) ensure vigorous enforcement of criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.

''(c) PROTECTION FOR 'GOOD SAMARITAN' BLOCKING AND SCREENING OF OFFENSIVE MATERIAL.—No provider or user of interactive computer services shall be treated as the publisher or speaker of any information provided by an information content provider. No provider or user of interactive computer services shall be held liable on account of—

''(1) any action voluntarily taken in good faith to restrict access to material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or

''(2) any action taken to make available to information content providers or others the technical means to restrict access to material described in paragraph (1).

''(d) FCC REGULATION OF THE INTERNET AND OTHER INTERACTIVE COMPUTER SERVICES PROHIBITED.—Nothing in this Act shall be construed to grant any jurisdiction or authority to the Commission with respect to content or any other regulation of the Internet or other interactive computer services.

''(e) EFFECT ON OTHER LAWS.—

''(1) NO EFFECT ON CRIMINAL LAW.—Nothing in this section shall be construed to impair the enforcement of section 223 of this Act, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

''(2) NO EFFECT ON INTELLECTUAL PROPERTY LAW.—Nothing in this section shall be construed to limit or expand any law pertaining to intellectual property.

''(3) IN GENERAL.—Nothing in this section shall be construed to prevent any State from enforcing any State law that is consistent with this section.

''(f) DEFINITIONS.—As used in this section:

''(1) INTERNET.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

''(2) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service that provides computer access to multiple users via modem to a remote computer server, including specifically a service that provides access to the Internet.

''(3) INFORMATION CONTENT PROVIDER.—The term 'information content provider' means any person or entity that is responsible, in whole or in part, for the creation or development of information provided by the Internet or any other interactive computer service, including any person or entity that creates or develops blocking or screening software or other techniques to permit user control over offensive material.

''(4) INFORMATION SERVICE.—The term 'information service' means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. COX] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes. Who seeks time in opposition?

PARLIAMENTARY INQUIRY

Mr. COX of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX of California. Mr. Chairman, given that no Member has risen in opposition, would the Chair entertain a unanimous-consent request?

The CHAIRMAN. If no Members seeks time in opposition, by unanimous consent another Member may be recognized for the other 10 minutes, or the gentleman may have the other 10 minutes.

Let me put the question again: Is there any Member in the Chamber who wishes to claim the time in opposition?

If not, is there a unanimous-consent request for the other 10 minutes?

Mr. WYDEN. There is, Mr. Chairman. Although I am not in opposition to this amendment, I would ask unanimous consent to have the extra time because of the many Members who would like to speak on it.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. COX] will be recognized for 10 minutes, and the gentleman from Oregon [Mr. WYDEN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I wish to begin by thanking my colleague, the gentleman from Oregon [Mr. WYDEN], who has worked so hard and so diligently on this effort with all of our colleagues.

We are talking about the Internet now, not about telephones, not about television or radios, not about cable TV, not about broadcasting, but in technological terms and historical terms, an absolutely brand-new technology.

The Internet is a fascinating place and many of us have recently become acquainted with all that it holds for us in terms of education and political discourse.

We want to make sure that everyone in America has an open invitation and feels welcome to participate in the Internet. But as you know, there is some reason for people to be wary because, as a Time Magazine cover story recently highlighted, there is in this vast world of computer information, a literal computer library, some offensive material, some things in the bookstore, if you will, that our children ought not to see.

As the parent of two, I want to make sure that my children have access to this future and that I do not have to worry about what they might be running into on line. I would like to keep that out of my house and off of my computer. How should we do this?

Some have suggested, Mr. Chairman, that we take the Federal Communications Commission and turn it into the Federal Computer Commission, that we hire even more bureaucrats and more regulators who will attempt, either civilly or criminally, to punish people by catching them in the act of putting something into cyberspace.

Frankly, there is just too much going on on the Internet for that to be effective. No matter how big the army of bureaucrats, it is not going to protect my kids because I do not think the Federal Government will get there in time. Certainly, criminal enforcement of our obscenity laws as an adjunct is a useful way of punishing the truly guilty.

Mr. Chairman, what we want are results. We want to make sure we do something that actually works. Ironically, the existing legal system provides a massive disincentive for the people who might best help us control the Internet to do so.

I will give you two quick examples: A Federal court in New York, in a case involving CompuServe, one of our online service providers, held that CompuServe would not be liable in a defamation case because it was not the publisher or editor of the material. It just let everything come onto your computer without, in any way, trying to screen it or control it.

But another New York court, the New York Supreme Court, held that Prodigy, CompuServe's competitor, could be held liable in a $200 million defamation case because someone had posted on one of their bulletin boards, a financial bulletin board, some remarks that apparently were untrue about an investment bank, that the investment bank would go out of business and was run by crooks.

Prodigy said, ''No, no; just like CompuServe, we did not control or edit that information, nor could we, frankly. We have over 60,000 of these messages each day, we have over 2 million subscribers, and so you cannot proceed with this kind of a case against us.''

The court said, ''No, no, no, no, you are different; you are different than CompuServe because you are a family-friendly network. You advertise yourself as such. You employ screening and blocking software that keeps obscenity off of your network. You have people who are hired to exercise an emergency delete function to keep that kind of

material away from your subscribers. You don't permit nudity on your system. You have content guidelines. You, therefore, are going to face higher, stricker liability because you tried to exercise some control over offensive material.''

□ 1015

Mr. Chairman, that is backward. We want to encourage people like Prodigy, like CompuServe, like America Online, like the new Microsoft network, to do everything possible for us, the customer, to help us control, at the portals of our computer, at the front door of our house, what comes in and what our children see. This technology is very quickly becoming available, and in fact every one of us will be able to tailor what we see to our own tastes.

We can go much further, Mr. Chairman, than blocking obscenity or indecency, whatever that means in its loose interpretations. We can keep away from our children things not only prohibited by law, but prohibited by parents. That is where we should be headed, and that is what the gentleman from Oregon [Mr. WYDEN] and I are doing.

Mr. Chairman, our amendment will do two basic things: First, it will protect computer Good Samaritans, online service providers, anyone who provides a front end to the Internet, let us say, who takes steps to screen indecency and offensive material for their customers. It will protect them from taking on liability such as occurred in the Prodigy case in New York that they should not face for helping us and for helping us solve this problem. Second, it will establish as the policy of the United States that we do not wish to have content regulation by the Federal Government of what is on the Internet, that we do not wish to have a Federal Computer Commission with an army of bureaucrats regulating the Internet because frankly the Internet has grown up to be what it is without that kind of help from the Government. In this fashion we can encourage what is right now the most energetic technological revolution that any of us has ever witnessed. We can make it better. We can make sure that it operates more quickly to solve our problem of keeping pornography away from our kids, keeping offensive material away from our kids, and I am very excited about it.

There are other ways to address this problem, some of which run head-on into our approach. About those let me simply say that there is a well-known road paved with good intentions. We all know where it leads. The message today should be from this Congress we embrace this new technology, we welcome the opportunity for education and political discourse that it offers for all of us. We want to help it along this time by saying Government is going to get out of the way and let parents and individuals control it rather than Government doing that job for us.

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

Mr. WYDEN. Mr. Chairman, I rise to speak on behalf of the Cox-Wyden amendment. In beginning, I want to thank the gentleman from California [Mr. COX] for the chance to work with him. I think we all come here because we are most interested in policy issues, and the opportunity I have had to work with the gentleman from California has really been a special pleasure, and I want to thank him for it. I also want to thank the gentleman from Michigan [Mr. DINGELL], our ranking minority member, for the many courtesies he has shown, along with the gentleman from Massachusetts [Mr. MARKEY], and, as always, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] have been very helpful and cooperative on this effort.

Mr. Chairman and colleagues, the Internet is the shining star of the information age, and Government censors must not be allowed to spoil its promise. We are all against smut and pornography, and, as the parents of two small computer-literate children, my wife and I have seen our kids find their way into these chat rooms that make their middle-aged parents cringe. So let us all stipulate right at the outset the importance of protecting our kids and going to the issue of the best way to do it.

The gentleman from California [Mr. COX] and I are here to say that we believe that parents and families are better suited to guard the portals of cyberspace and protect our children than our Government bureaucrats. Parents can get relief now from the smut on the Internet by making a quick trip to the neighborhood computer store where they can purchase reasonably priced software that blocks out the pornography on the Internet. I brought some of this technology to the floor, a couple of the products that are reasonably priced and available, simply to make clear to our colleagues that it is possible for our parents now to childproof the family computer with these products available in the private sector.

Now what the gentleman from California [Mr. COX] and I have proposed does stand in sharp contrast to the work of the other body. They seek there to try to put in place the Government rather than the private sector about this task of trying to define indecent communications and protecting our kids. In my view that approach, the approach of the other body, will essentially involve the Federal Government spending vast sums of money trying to define elusive terms that are going to lead to a flood of legal challenges while our kids are unprotected. The fact of the matter is that the Internet operates worldwide, and not even a Federal Internet censorship army would give our Government the power to keep offensive material out of the hands of children who use the new interactive media, and I would say to my colleagues that, if there is this kind of Federal Internet censorship army that somehow the other body seems to favor, it is going to make the Keystone Cops look like crackerjack crime-fighter.

Mr. Chairman, the new media is simply different. We have the opportunity to build a 21st century policy for the Internet employing the technologies and the creativity designed by the private sector.

I hope my colleagues will support the amendment offered by gentleman from California [Mr. COX] and myself, and I reserve the balance of my time.

Mr. COX of California. Mr. Chairman, I yield 1 minute 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, Members of the House, this is a very good amendment. There is no question that we are having an explosion of information on the emerging superhighway. Unfortunately part of that information is of a nature that we do not think would be suitable for our children to see on our PC screens in our homes.

Mr. Chairman, the gentleman from Oregon [Mr. WYDEN] and the gentleman from California [Mr. COX] have worked hard to put together a reasonable way to provide those providers of the information to help them self-regulate themselves without penalty of law. I think it is a much better approach than the approach that has been taken in the Senate by the Exon amendment. I would hope that we would support this version in our bill in the House and then try to get the House-Senate conference to adopt the Cox-Wyden language.

So, Mr. Chairman, it is a good piece of legislation, a good amendment, and I hope we can pass it unanimously in the body.

Mr. WYDEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Ms. DANNER] who has also worked hard in this area.

Ms. DANNER. Mr. Chairman, I wish to engage the gentleman from Oregon [Mr. WYDEN] in a brief colloquy.

Mr. Chairman, I strongly support the gentleman's efforts, as well as those of the gentleman from California [Mr. COX], to address the problem of children having untraceable access through on-line computer services to inappropriate and obscene pornographic materials available on the Internet.

Telephone companies must inform us as to whom our long distance calls are made. I believe that if computer on-line services were to include itemized billing, it would be a practical solution which would inform parents as to what materials their children are accessing on the Internet.

It is my hope and understanding that we can work together in pursuing technology based solutions to the problems

we face in dealing with controlling the transfer of obscene materials in cyberspace.

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

Ms. DANNER. I yield to the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, I thank my colleague for her comments, and we will certainly take this up with some of the private-sector firms that are working in this area.

Mr. COX of California. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Chairman, I would like to point out to the House that, as my colleagues know, this is a very important issue for me, not only because of our district, but because I have got four small children at home. I got them from age 3 to 11, and I can tell my colleagues I get E-mails on a regular basis from my 11-year-old, and my 9-year-old spends a lot of time surfing the Internet on America Online. This is an important issue to me. I want to be sure we can protect them from the wrong influences on the Internet.

But I have got to tell my colleagues, Mr. Chairman, the last person I want making that decision is the Federal Government. In my district right now there are people developing technology that will allow a parent to sit down and program the Internet to provide just the kind of materials that they want their child to see. That is where this responsibility should be, in the hands of the parent.

That is why I was proud to cosponsor this bill, that is what this bill does, and I urge my colleagues to pass it.

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

Ms. LOFGREN. Mr. Chairman, I will bet that there are not very many parts of the country where Senator EXON's amendment has been on the front page of the newspaper practically every day, but that is the case in Silicon Valley. I think that is because so many of us got on the Internet early and really understand the technology, and I surf the Net with my 10-year-old and 13-year-old, and I am also concerned about pornography. In fact, earlier this year I offered a life sentence for the creators of child pornography, but Senator EXON's approach is not the right way. Really it is like saying that the mailman is going to be liable when he delivers a plain brown envelope for what is inside it. It will not work. It is a misunderstanding of the technology. The private sector is out giving parents the tools that they have. I am so excited that there is more coming on. I very much endorse the Cox-Wyden amendment, and I would urge its approval so that we preserve the first amendment and open systems on the Net.

Mr. WYDEN. Mr. Chairman, I yield 1 minute 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 Oregon [Mr. WYDEN] for yielding this time to me, and I rise in strong support of the Cox-Wyden amendment. This will help to solve a very serious problem as we enter into the Internet age. We have the opportunity for every household in America, every family in America, soon to be able to have access to places like the Library of Congress, to have access to other major libraries of the world, universities, major publishers of information, news sources. There is no way that any of those entities, like Prodigy, can take the responsibility to edit out information that is going to be coming in to them from all manner of sources onto their bulletin board. We are talking about something that is far larger than our daily newspaper. We are talking about something that is going to be thousands of pages of information every day, and to have that imposition imposed on them is wrong. This will cure that problem, and I urge the Members to support the amendment.

□ 1030

Mr. WYDEN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY], the ranking member of the subcommittee.

Mr. MARKEY. Mr. Chairman, I want to congratulate the gentleman from Oregon and the gentleman from California for their amendment. It is a significant improvement over the approach of the Senator from Nebraska, Senator EXON.

This deals with the reality that the Internet is international, it is computer-based, it has a completely different history and future than anything that we have known thus far, and I support the language. It deals with the content concerns which the gentlemen from Oregon and California have raised.

Mr. Chairman, the only reservation which I would have is that they add in not only content but also any other type of registration. I think in an era of convergence of technologies where telephone and cable may converge with the Internet at some point and some ways it is important for us to ensure that we will have an opportunity down the line to look at those issues, and my hope is that in the conference committee we will be able to sort those out.

Mr. WYDEN. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I just want to take the time to thank him and also the gentleman from California for this fine work. This is a very sensitive area, very complex area, but it is a very important area for the American public, and I just wanted to congratulate him and the gentleman from California on how they worked together in a bipartisan fashion.

Mr. WYDEN. Mr. Chairman, I yield myself such time as I may consume. I thank the gentleman for his kindness.

Mr. Chairman, in conclusion, let me say that the reason that this approach rather than the Senate approach is important is our plan allows us to help American families today.

Under our approach and the speed at which these technologies are advancing, the marketplace is going to give parents the tools they need while the Federal Communications Commission is out there cranking out rules about proposed rulemaking programs. Their approach is going to set back the effort to help our families. Our approach allows us to help American families today.

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

Mr. Chairman, I would just like to respond briefly to the important point in this bill that prohibits the FCC from regulating the Internet. Price regulation is at one with usage of the Internet.

We want to make sure that the complicated way that the Internet sends a document to your computer, splitting it up into packets, sending it through myriad computers around the world before it reaches your desk is eventually grasped by technology so that we can price it, and we can price ration usage on the Internet so more and more people can use it without overcrowding it.

If we regulate the Internet at the FCC, that will freeze or at least slow down technology. It will threaten the future of the Internet. That is why it is so important that we not have a Federal computer commission do that.

Mr. GOODLATTE. Mr. Chairman, Congress has a responsibility to help encourage the private sector to protect our children from being exposed to obscene and indecent material on the Internet. Most parents aren't around all day to monitor what their kids are pulling up on the net, and in fact, parents have a hard time keeping up with their kids' abilities to surf cyberspace. Parents need some help and the Cox-Wyden amendment provides it.

The Cox-Wyden amendment is a thoughtful approach to keep smut off the net without government censorship.

We have been told it is technologically impossible for interactive service providers to guarantee that no subscriber posts indecent material on their bulletin board services. But that doesn't mean that providers should not be given incentives to police the use of their systems. And software and other measures are available to help screen out this material.

Currently, however, there is a tremendous disincentive for online service providers to create family friendly services by detecting and removing objectionable content. These providers face the risk of increased liability where they take reasonable steps to police their systems. A New York judge recently sent the online services the message to stop policing by ruling that Prodigy was subject to a $200 million libel suit simply because it did exercise some control over profanity and indecent material.

The Cox-Wyden amendment removes the liability of providers such as Prodigy who currently make a good faith effort to edit the smut

from their systems. It also encourages the on-line services industry to develop new technology, such as blocking software, to empower parents to monitor and control the information their kids can access. And, it is important to note that under this amendment existing laws prohibiting the transmission of child pornography and obscenity will continue to be enforced.

The Cox-Wyden amendment empowers parents without Federal regulation. It allows parents to make the important decisions with regard to what their children can access, not the government. It doesn't violate free speech or the right of adults to communicate with each other. That's the right approach and I urge my colleagues to support this amendment.

The Chairman. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. COX].

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

Mr. COX of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California [Mr. COX] will be postponed until after the vote on amendment 2–4 to be offered by the gentleman from Massachusetts [Mr. MARKEY].

It is now in order to consider amendment No. 2–4 printed in part 2 of House Report 104–223.

AMENDMENT NO. 2–4 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment, numbered 2–4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY of Massachusetts: page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

(f) STANDARD FOR UNREASONABLE RATES FOR CABLE PROGRAMMING SERVICES.—Section 623(c)(2) of the Act (47 U.S.C. 543(c)) is amended to read as follows:

''(2) STANDARD FOR UNREASONABLE RATES.—The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date.''.

Page 127, line 4, strike ''or 5 percent'' and all that follows through ''greater,'' on line 6.

Page 129, strike lines 16 through 21 and insert the following:

''(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services.''.

Page 130, line 16, insert ''and'' after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

''directly to subscribers in the franchise area and such franchise area is also served by an unaffiliated cable system.''.

Page 131, strike line 6 and all that follows through line 21, and insert the following:

''(m) SMALL CABLE SYSTEMS.—

''(1) SMALL CABLE SYSTEM RELIEF.—A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

''(2) DEFINITION OF SMALL CABLE SYSTEM.—For purposes of this subsection, 'small cable system' means a cable system that—

''(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and

''(B) directly serves fewer than 10,000 cable subscribers in its franchise area.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does the gentleman from Virginia [Mr. BLILEY] seek the time in opposition?

Mr. BLILEY. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself at this point 3 minutes.

Mr. Chairman, the consumers of America should be placed upon red alert. We now reach an issue which I think every person in America can understand who has even held a remote control clicker in their hands.

The bill that we are now considering deregulates all cable rates over the next 15 months. But for rural America, rural America, the 30 percent of America that considers itself to the rural, their rates are deregulated upon enactment of this bill.

Now, the proponents are going to tell you, do not worry, there is going to be plenty of competition in cable. That will keep rates down. For those of you in rural America, ask yourself this question: In two months do you think there will be a second cable company in your town? Because if there is not a second cable company in your town, your rates are going up because your cable company, as a monopoly, will be able to go back to the same practices which they engaged in up to 1992 when finally we began to put controls on this rapid increase two and three and four times the rate of inflation of cable rates across this country.

The gentleman from Connecticut [Mr. SHAYS] and I have an amendment that is being considered right now on the floor of Congress which will give you your one shot at protecting our cable ratepayers against rate shock this year and next across this country, whether you be rural or urban or suburban.

We received a missive today from the Governor of New Jersey, Christine Whitman. She wants an aye vote on the Markey-Shays bill. Christine Whitman. She does not want her cable rates to go up because she knows, and she says it right here, there is no competition on the horizon for most of America.

So this amendment is the most important consumer protection vote which you will be taking in this bill and one of the two or three most important this year in the U.S. Congress.

Make no mistake about it. There will be no competition for most of America. There will be no control on rates going up, and you will have to explain why, as part of a telecommunications bill that was supposed to reduce rates, you allowed for monopolies, monopolies in 97 percent of the communities in America to once again go back to their old practices.

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

The Markey amendment, Mr. Chairman, tracks the disastrous course of the 1992 cable law by requiring the cable companies to jump through regulatory hoops to escape the burdensome rules imposed on them after the law was enacted.

The Markey amendment fails to take into account the changing competitive video marketplace that has evolved in the last 2 years. Direct broadcast satellite has taken off, particularly in rural areas, and there will be nearly 5-million subscribers by the end of the year. With the equipment costs now being folded into the monthly charge for this service, this competitive technology will explode in the next few years.

The telephone industry will be permitted to offer cable on the date of enactment and will provide formidable competition immediately. There are numerous market and technical trials going on now to ramp up to that competition.

The Markey amendment turns back the clock. It seeks to continue the government regulation and micromanagement that has unfairly burdened the industry over the past several years.

Vote ''no'' on Markey and duplicate the Senate, they overwhelmingly voted it down over there.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, it's Christmas in August in Washington. On the surface, the Communications Act of 1995 looks like a Christmas gift to the people and the communications industries. You've heard the buzz words: competition, lower rates, and more choices. But a closer look reveals another story.

While the cable provisions in the bill will give a sweet gift to the cable industry, the American consumer, and especially those in rural America, will wake up on Christmas morning to nothing more than less competition, higher cable rates, and less choice.

The bill as it stands immediately deregulates rate controls on small cable systems—those which serve an average of almost 30 percent of cable subscribers in America and account for at least 70 percent of all cable systems. This bill discourages competition in these markets because it deregulates these cable companies regardless of

whether they face substantial competition in the marketplace.

In some cases, the bill immediately removes cable rate controls for systems serving over 50 percent of subscribers. In my home State of Tennessee, cable systems reaching more than 30 percent of subscribers, or 348,027 subscribers, would see immediate deregulation, and these subscribers would see nothing but higher rates and no choice.

That's the reason I am proud to support the Markey-Shays cable amendment to the Communications Act of 1995. This amendment would protect consumers from cable price-gouging by keeping rate regulations on small cable companies until effective cable competition in the marketplace offers consumers a choice.

I urge my colleagues to support this amendment. Otherwise, Congress will give their constituents a Christmas gift they will not forget.

Mr. BLILEY. Mr. Chairman, I yield 1 minute 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, I rise in strong opposition to this amendment. When we reregulated cable 3 years ago, I was absolutely opposed to that. I voted against it in subcommittee, I voted against it in full committee, and I voted against it on the floor, and I voted to sustain the President's veto when he tried to veto the legislation.

We do not need to be regulating cable rates. Cable is not a necessity. The Federal Government has absolutely no right to be setting prices for cable television. The amendment that is before us would do that.

We have wisely in the legislation deregulated 90 percent of the cable industry. We should keep the bill as it is, we should vote against the Markey amendment.

I would vote against it two times, three times, four times if I had the constitutional authority to do so, but I am going to vote against it once.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, I want to thank the gentleman from Massachusetts [Mr. MARKEY] for the good work that he has done on behalf of the consumers of America.

Mr. Chairman, I rise in support of the Markey-Shays amendment for the simple reason that I do not want to return to the days when the cable companies of this country were increasing their prices at three times the rate of inflation while dramatically reducing their services.

Since the passage of the 1992 Cable Act, the American consumer has finally seen relief in the form of significantly reduced cable rates. In my district alone, millions of dollars have been saved by cable subscribers. But the bill we are debating here this morning would severely threaten the consumer protection that was established by the 1992 act.

In its current form, H.R. 1555 would abolish FCC regulation of cable systems thereby allowing cable companies to once again raise rates arbitrarily. It would open a window of opportunity for cable owners to cash in one last time at the expense of the American consumer. We cannot allow this to happen.

The Markey-Shays amendment would continue FCC regulation of cable systems until effective competition is established. It is a proconsumer amendment that would protect millions of Americans from an unnecessary rate hike and I strongly urge its passage.

□ 1045

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

Mr. Chairman, the Markey cable amendment embodies all that is wrong with Government regulation. It sets prices for a private industry, cable television. It lowers the threshold for price controls to systems with 10,000 or fewer subscribers. It lowers the complaint threshold from 5 percent of subscribers to 10—yes 10, individual subsbribers—to which the FCC can respond with a rate review. Mr. Chairman, I have seen the amount of paperwork a cable operator can be asked to provide the FCC in response to a complaint. It is absolutely unbelievable. And this amendment would make it more likely that cable operators would have to fill out these massive forms for the FCC. H.R. 1555 promotes deregulation and competition in all telecommunications industries, including cable. Mr. Chairman, I strongly urge my colleagues to reject this effort at price control and regulation of the cable industry.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Markey-Shays amendment to protect Americans from unaffordable cable rate increases.

Cable rates hit home with consumers in Connecticut and across the country. That is why the only bill Congress passed over President Bush's veto was the 1992 Cable Act to keep TV rates down. Now is not the time to backtrack on that progress.

We would all like to see competition pushing cable rates down, but the telecommunications bill before us will remove protections against price increases before there is any guarantee of competition. Under this bill, every time you hit the clicker, it might as well sound like a cash register recording the higher costs viewers will face. Consumer groups estimate that this bill will raise rates for popular channels such as CNN and ESPN by an average of $5 per month.

The Markey-Shays amendment will protect television viewers from unreasonable rate increases until there truly is competition in the cable TV market. The amendment will also retain important safeguard that protect the right of consumers to protest unreasonable rate hikes.

I urge my colleagues to support the Markey-Shays amendment so that hard-working Americans will not be priced out of the growing information age.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN], a member of the committee.

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

Mr. Chairman, I rise in opposition to the Markey amendment. In 1992 we fought a royal battle on the floor of this House, a battle designed clearly to begin the process of creating competition in the cable programming marketplace. The problem in 1992 was not the lack of Government regulation, although that contributed to the problem in 1992. The problem was that because cable monopoly companies vertically integrated, controlled by the programming and the distribution of cable programming, cable companies could decide not to let competition happen. They could refuse to sell to direct broadcast satellite, they could refuse to sell to microwave systems, they could refuse to sell to alternative cable systems. The result was competition was stifled. The demand rose in this House for reregulation.

The good news is that in 1992, despite a veto by the President, this House and the other body overrode that veto, adopted the Tauzin program access provision to the cable bill, and created, for the first time in this marketplace, real competition.

Mr. Chairman, are you not excited by those direct broadcast television ads you see on television, where you see a direct satellite now beaming to a dish no bigger than this to homes 150 channels with incredible programming? Are you not excited in rural America that you have an alternative to the cable, or, where you do not have a cable, you now have program access? Are you not excited when microwave systems are announced in your community and when you hear the telephone company will soon be in the cable business?

That is competition. Competition regulates the marketplace much better than the schemes of mice and men here in Washington, DC.

Consumers choosing between competitive offerings, consumers choosing the same products offered by different suppliers, in different stores, in the same town. Keep prices down, keep service up. Competition, yes; reregulation, no.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS], the cosponsor of the amendment.

Mr. SHAYS. Mr. Chairman, competition, yes. Competition, yes. But now we do not have competition. Ninety-seven percent of all systems do not have competition. And this bill, unamended, allows for those companies, most of them, nearly 50 percent of them, to be deregulated.

We say yes, we are going to allow the small companies to be deregulated, the small ones, under 600,000 subscribers. Six hundred thousand subscribers is small? That system is worth $1.2 billion.

We do not have competition now. Deregulate when you have competition. There are 97 percent of the systems that do not have competition. The whole point here is to make sure that companies that are not competing, that have a monopoly, are not allowed to set monopolistic prices.

One of the reasons why we overrode the President's veto, 70 of us on the Republican side, we recognized that consumers were paying monopolistic prices. Deregulate when you have competition. The bill in 1992 said when you had competition, there would not be regulation. The reason why we have regulation is these are monopolies.

I know Members have not had a lot of sleep, but I hope the staff that is listening will tell their Members that we are going to deregulate these companies and they are going to set monopolistic prices, and they are going to come to their Congressman and say, ''Why did you vote to deregulate a monopoly?''

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MANTON], a member of the committee.

Mr. MANTON. Mr. Chairman, I rise in opposition to the Markey amendment.

I thank the gentleman for yielding me this time and would like to take this opportunity to commend him for his fine work on this legislation.

Mr. Chairman, the cable television industry is poised to compete with local telephone companies in offering consumers advanced communications services. Yet to make that happen, we must relax burdensome and unwarranted regulations that are choking the ability of the cable industry to invest in the new technology and services that will allow them to compete.

The proponents of the Markey amendment said in 1992 that rate regulation was a placeholder until competition arrived in the video marketplace.

Well, that competition is here. Today, cable television is being challenged by an aggressive and burgeoning direct broadcast satellite industry and other wireless video services. And with the enactment of H.R. 1555, the Nation's telephone companies, will be permitted to offer video services directly to the consumer.

Mr. Chairman, it is also important for my colleagues to understand what H.R. 1555 does not do. It does not repeal the 1992 Cable Act. Cities will retain the authority to regulate rates for basic cable services and to impose stringent customer service standards. H.R. 1555 does not alter the program access, must carry or retransmission consent provisions of the 1992 Cable Act.

Quite modestly, H.R. 1555 will end rate regulation of expanded basic cable entertainment programming 15 months after the enactment of the legislation, plenty of time for the telcos to get into the video business.

Mr. Chairman, cable programming is an enormously popular and valuable service in the world of video entertainment. But just because it's good and people like it, doesn't mean the Federal Government should regulate it.

I urge my colleagues to reject the Markey amendment.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH], a member of the committee.

Mr. DEUTSCH. Mr. Chairman, I would like to thank the chairman of the committee for yielding me this time.

Mr. Chairman, the crux of this issue is, is there competition in this industry at this time on the issues of this amendment? I think the answer to that is that there is.

Let us be very specific about what the amendment does. The amendment would keep regulation on nonbasic services. Basic service would continue regulation beyond the 15-month period. For nonbasic service, for HBO, Cinemax, and things like that.

There is competition today in just about any place in this country, and I know for a fact in my community you can buy a minisatellite dish. You can go to Blockbuster Video and rent a video. Many people choose that. Cable passes 97 percent of the homes in this country, yet only 60 percent of those homes choose to purchase cable systems.

What this bill does is it gives an opportunity for this country to enter a new age, an age for competition throughout our telecommunications. The major opportunity is there for the phone systems for competition through the cable system.

Again, in my own area of south Florida, cable systems are actively marketing competition in commercial lines, today, against phone systems. That is something they want to do in the short term, tomorrow.

If this bill has any chance of creating this synergism, the new technologies, the things that will be available that are beyond our imagination, the opportunity of cable systems to be part of that competition is a necessary component.

If we can think back 15 years ago when none of us could have imagined the change in the technologies that have evolved, this is a case of hope versus fear.

Mr. Chairman, I urge the defeat of the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes 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 thank the gentleman very much for yielding me time.

Mr. Chairman, I rise with great excitement about the technology that is offered through this cable miracle. I only hope that the consumers can be excited as well. I stand here before you as a former chairperson of a local municipality's cable-TV committee, and I realize that basic rates have been regulated. But maybe the reason why so many do not opt in for cable TV is because of the rates on the other services.

So I think the Markey-Shays amendment is right on the mark. It acknowledges the technology, but it also comes squarely down for competition, and it responds to the needs of consumers in keeping the lid on what is a privilege held by the cable companies. It is a privilege to be in the cable TV business. It is big business. It is going to be more big business in the 21st century, and I encourage that. But at the same time, I think it is very important to have a system that provides for the regulation of rates so that we can have greater access to cable by our schools, for our public institutions, and, yes, for our citizens in urban and rural America. The rates are already too high!

Mr. Chairman, this amendment also allows the subscriber to more easily make complaints to the FCC. The real issue is to come down on the side of the consumer and to come down on the side of viable competition. Support the Markey-Shays amendment.

Mr. Chairman, I rise in support of the Markey-Shays amendment to H.R. 1555 because it provides reasonable and structured plan for deregulating cable rates for an existing cable system until a telephone company is providing competing services in the area.

This amendment is critically important because in many areas of the country, one cable company already has a monopoly on cable services. I am sure that many of my colleagues can attest to the complaints by constituents with respect to high rates and inadequate service when no competition exists in the local cable market.

This amendment is also necessary because it would eliminate rate regulation for many small cable systems with less than 10,000 subscribers in a franchise area and less than 250,000 subscribers nationwide.

Finally, this amendment provides an opportunity for consumers to petition the FCC to review rates if 10 subscribers complain as opposed to the bill's requirement that 5 percent of the subscribers must complain in order to trigger a review by the FCC.

I urge my colleagues to support true competition in the cable market by voting in favor of the Markey-Shays amendment.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Chairman, while I applaud the leadership of the gentleman from Massachusetts [Mr. MARKEY], incredible leadership on telecommunications issues, I must oppose this amendment, because Federal regulation of cable which began in 1993 has not worked. Regulation has resulted in the decline of cable television programming and hurt the industry's ability to invest in technology that is going to improve information services to all Americans.

□ 1100

Because cable companies have information lines in home, cable has the potential to offer our constituents a choice in how to receive information. Cable systems pass over 96 percent of American homes with cables that carry up to 900 times as much information as the local phone company's wires.

Exensive regulations prevent the cable industry from raising the capital needed to make the billion dollar investments needed to upgrade their systems. Cable's high capacity systems can ultimately deliver virtually every type of communications service conceivable, allow consumers to choose between competing providers, voice, video, and data services.

I urge a ''no'' vote on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

While many of us differ about parts of the bill, one thing is clear. H.R. 1555 deregulates cable before consumers have a competitive authorization alternative. The provisions of the bill very simply see to it, first of all, that so-called small systems are deregulated immediately and define a small system as one which has 600,000 subscribers. That is a market the size of the city of Las Vegas. So there is nothing small about those who will be deregulated immediately.

Beyond this, the provision will deregulate cable rates for more than 16 million households, nearly 30 percent of the total cable households in America, and it will do so at the end of the time it takes the President to sign this.

The bill will deregulate all cable rates in Alaska immediately, and more than 61 percent of rates in Georgia, and the rates of better than half of the subscribers in Arkansas, Maine, North Dakota, South Dakota, Minnesota, Nevada, and other States.

But there is more. This bill will deregulate by the calendar. What happens is that at the end of 15 months, whether there is competition in place or not, deregulation occurs. At that point, what protection will exist for the consumers of cable services in this country who do not have competition?

This amendment returns us to the rather sensible approach which we had when we passed the Cable Regulation Act some 2 years ago. It provides protection for the consumers. I urge my colleagues to support the amendment.

Mr. BLILEY. Mr. Chairman, I yield 1 minute 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.)

Mr. OXLEY. Mr. Chairman, since the passage of the 1992 Cable Act, the PCC staff has increased some 30 percent, making it one of the largest growing Federal bureaucracies in Washington. Most of the growth is due to the creation of the Cable Services Bureau.

Listen to this: When established, the Cable Service Bureau has a staff of 59. Since the passage of the Cable Act of 1992, it has increased and has quadrupled in size. The 1995 cable services budget stands at $186 million, a 35-percent increase from the Cable Act.

We do not need more bureaucrats telling the American public what they can and cannot pay for MTV and other cable services. It seems to me that the potential is clearly there for more and more competition. If we get bureaucracy in the way of competition, the bureaucracy always wins. It is important to understand the negative effects of the Cable Act of 1992. This amendment would exacerbate the terrible things that have happened since 1992.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, we gave away cable franchises in the early 1970s and made millionaires out of cable franchise owners. In 1984, we deregulated and made billionaires out of these organizations.

The argument that since deregulation bad things have happened to cable is simply not true. Their revenues have grown from 17 billion in 1990 to 25 billion in 1995. Their subscribers have grown from 54 million to 61 million during that same time period. Cable companies are making money. They are presently without competition. We should deregulate when we have competition, not before. That is the crux of this argument.

Mr. BLILEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. SCHAEFER. Mr. Chairman, I rise in opposition to this amendment and in support of H.R. 1555.

In 1992, I voted against the cable act because it was unjustified and would slow the growth of a dynamic industry. In fact, the 1992 act stifled the cable industry's ability to upgrade its plants, deploy new technology and add new channels. It also put several program networks out of business and delayed the launch of many other networks in this country.

Without some changes to the cable act, Congress will delay the introduction of new technologies and services to the consumer and will jeopardize the growth of competition in the telecommunications industry.

The Markey-Shays amendment should be rejected for two reasons: First, it looks to the past; second, it is bad policy.

H.R. 1555 is looking to the future. It will establish new competition between multiple service providers offering consumers greater choices, better quality and fairer prices.

The Markey-Shays amendment is based on outdated market conditions from the 1980's, and it seeks to shackle an industry that promises to deliver every conceivable information age service as well as local phone service.

The proposed amendment represents a last ditch effort to keep in place a failed system of regulation that has no place in the marketplace today.

The gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Connecticut [Mr. SHAYS] have argued that without their amendment cable prices would jump significantly and without justification. This simply is not true.

First, for most cable systems, the vast majority of cable subscribers rate regulations will remain in place for 15 months after 1,555 is enacted. This will provide ample time for more competition to develop. Competition, not extensive Federal regulation, is the best way to constrain prices that we have today.

Second, the sponsors of the pending cable rate amendment have overstated the history of cable prices after deregulation. For example, Mr. MARKEY has repeatedly cited a GAO statistic which suggests that cable rates tripled between deregulation in the mid 1980s and reregulation in 1992. What he ignores is that the number of channels offered by the cable system has also tripled.

As this chart very well explains it, back in the deregulation era, here we had between 1986, 58 cents per channel. And as you go to 11/91, 58 cents per channel. No changes.

The chart demonstrates the average cost of cable television. It remained constant over the particular time. And I would just say, by tying future cable rates to CPI, as the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Connecticut [Mr. SHAYS] are proposing, Congress will choke off the explosion of services and programs to our consumers. The time for total deregulation is there; 13 hundred pages of FCC regulations and 220 bureaucrats are running this system,

the cable bureau in this country under FCC. It is harming consumers by delaying introduction of new technology and services. Such regulations will also impede the cable industry's ability to offer other consumer advantages in this market.

I would just say that if we really want cable to be a part of this whole information highway, defeat the Markey-Shays amendment.

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

Mr. Chairman, we are now 3 minutes from casting the one vote that every consumer in America is going to understand. They may appreciate that you are going to give them the ability to have one more long distance company out there, but they have already, in fact, enjoy dozens of long distance companies in America. But every cable consumer in America knows that in their hometown there is only one cable company, and the telephone company is not coming to town soon.

Under Shays-Markey, when the telephone company comes to town, no more regulation. What the bill says right now is, even if the telephone company does not come to town, the cable companies can tip you upside down and shake your money out of your pockets.

So you answer this question: When cable rates go from $25 a month to $35 a month, every month, are you going to be able to explain that there is competition arriving in 3 or 4 years?

Keep rate controls until the telephone company shows up in town, then complete deregulation. That is what this bill is all about, competition. When the telephone company begins to compete, if it ever does, no rate control. But until they get there, every community in America for all intents and purposes is a cable monopoly. They are going right back to the same practices once you pass this bill.

Support the Shays-Markey amendment. Protect cable consumers until competition arrives.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] has 1 half minute to close.

Mr. BLILEY. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS].

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

Mr. FIELDS of Texas. Mr. Chairman, this is a reregulatory dinosaur. Basic cable rates continue to be regulated under this bill.

We deregulate expanded basic in 15 months, when telephone will be competing with cable. But very importantly, in terms of competition with telephone companies, the only competitor in the residential marketplace will be the cable company. If you place regulations on cable, they will not be able to roll out the services so they can truly compete with telephone, which is what we want. It is a desired consumer benefit.

Mr. Chairman, I rise in opposition to the Markey cable re-regulation amendment. Today, we will hear from my friend from Massachusetts that there is not enough competition in the cable services arena and, therefore cable should not be deregulated. So one might ask, why would we want to limit one industry and place regulations which will prohibit cable from competing with the others?

The checklist in title 1 envisions a facilities-based competitor which will provide the consumer with an alternative in local phone service. The cable companies are ready to be that competitor; however, they cannot fully participate in the deployment of an alternative system if they must operate under the burdensome regulations imposed by the 1992 cable act. The truth is that cable companies are facing true competition. With the deployment of direct broadcast satellite systems and telephone entry into cable, the competitors have come.

H.R. 1555 takes a moderate approach toward deregulating cable. The basic tier remains regulated because that has become a lifeline service. The upper tiers, which are purely entertainment, are reregulated because consumers have a choice in that area.

We should not be picking favorites by keeping some sectors of the industry under regulations. It is time to allow everyone to compete fairly and without Government interference. I strongly urge my colleagues to oppose this amendment.

STATEMENT ON MUST CARRY/ADVANCED SPECTRUM

Section 336(b)(3) of the Communications Act, added by section 301 of the bill, makes clear that ancillary and supplemental services offered on designated frequencies are not entitled to must carry. It is not the intent of this provision to confer must carry status on advanced television or other video services offered on designated frequencies. Under the 1992 Cable Act, that issue is to be the subject of a Commission proceeding under section 614(b)(4)(B).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the rule, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 275, not voting 11, as follows:

[Roll No. 628]

AYES—148

Abercrombie
Baesler
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Bishop
Boehlert
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Dingell
Doyle
Duncan
Durbin
Engel
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hyde
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Markey
Mascara
McCarthy
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pomeroy
Porter
Poshard
Rahall
Reed
Regula
Rivers
Roemer
Rogers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Skelton
Slaughter
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Wise
Woolsey
Wyden
Wynn
Yates

NOES—275

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hunter
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Matsui
McCollum
McCrery
McDade
McHale
McInnis
McIntosh

McKeon
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Richardson
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Towns
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Andrews
Bateman
Coburn
Hutchinson
Moakley
Ortiz
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1133

Messrs. MONTGOMERY, MARTINEZ, PAYNE of New Jersey, and BEVILL changed their vote from ''aye'' to ''no.''

Mrs. MEEK of Florida and Mr. HASTINGS of Florida changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2–1 offered by the gentleman from Michigan [Mr. STUPAK], Amendment No. 2–2 as modified, offered by the gentleman from Michigan [Mr. CONYERS], and Amendment No. 2–3 offered by the gentleman from California [Mr. COX].

AMENDMENT NO. 2–1 OFFERED BY MR. STUPAK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. STUPAK] 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 CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 338, noes 86, not voting 10, as follows:

[Roll No. 629]

AYES—338

Abercrombie
Ackerman
Armey
Baesler
Baker (LA)
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Burton
Calvert
Camp
Canady
Cardin
Chambliss
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hyde
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
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff

NOES—86

Allard
Archer
Bachus
Baker (CA)
Ballenger
Barrett (NE)
Bilbray
Bliley
Boehner
Bono
Boucher
Bunn
Bunning
Burr
Buyer
Callahan
Castle
Chabot
Chenoweth
Christensen
Coleman
Combest
Cox
Crapo
Cremeans
Deal
DeLay
Deutsch
Dickey
Ewing
Fields (TX)
Fox
Franks (CT)
Franks (NJ)
Frisa
Ganske
Gillmor
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hefley
Herger
Hostettler
Houghton
Inglis
King
Kolbe
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Livingston
LoBiondo
Longley
McCrery
McInnis
Metcalf
Mica
Norwood
Oxley
Packard
Parker
Paxon
Rogers
Rohrabacher
Royce
Schaefer
Shadegg
Skeen
Souder
Stump
Talent
Tate
Thornberry
Vucanovich
Walker
Weller
White
Whitfield
Wicker
Zimmer

NOT VOTING—10

Andrews
Bateman
Hutchinson
Moakley
Ortiz
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1142

Mr. FOX of Pennsylvania and Mr. SHADEGG changed their vote from ''aye'' to ''no.''

Messrs. ROBERTS, QUINN, and BILIRAKIS, and Mrs. SMITH of Washington changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2–2, AS MODIFIED, OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment 2–2. as modified, offered by the gentleman from Michigan [Mr. CONYERS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 271, not voting 12, as follows:

[Roll No. 630]

AYES—151

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bono
Borski
Brown (CA)
Bryant (TX)
Bunn
Canady
Cardin
Chabot
Chapman
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
Cremeans
Cunningham
Danner
DeFazio
DeLauro
Dellums
Dixon
Doggett
Durbin
Edwards
Evans
Farr
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gonzalez
Goss
Green
Gutierrez
Hall (OH)
Heineman
Hinchey
Hobson
Holden
Hostettler
Hoyer
Hyde
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Klink
Knollenberg
LaFalce
Lantos
LaTourette
Leach
Levin
Lewis (KY)
Lipinski
Lofgren
Luther
Martinez
Matsui
McCarthy
McCollum
McDermott
McHale
Meyers
Mfume
Miller (CA)
Mineta
Mink
Myers
Nadler
Neumann
Norwood
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pomeroy
Poshard
Quillen
Ramstad
Rangel
Reed
Richardson
Rivers
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thomas
Thornton
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Volkmer
Waters
Watt (NC)
Waxman
Whitfield
Woolsey
Wyden
Yates

NOES—271

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cubin
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Fattah
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hoekstra
Hoke
Horn
Houghton
Hunter
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klug
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCrery
McDade
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Tiahrt
Torkildsen
Towns
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews
Bateman
Bishop
Hutchinson
McHugh
Moakley
Ortiz
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1150

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COX OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. COX] 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 420, noes 4, not voting 10, as follows:

[Roll No. 631]

AYES—420

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
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 (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
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
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula

Richardson	Skaggs	Towns
Riggs	Skeen	Traficant
Rivers	Skelton	Tucker
Roberts	Slaughter	Upton
Roemer	Smith (MI)	Velazquez
Rogers	Smith (TX)	Vento
Rohrabacher	Smith (WA)	Visclosky
Ros-Lehtinen	Solomon	Volkmer
Rose	Spence	Vucanovich
Roth	Spratt	Waldholtz
Roukema	Stark	Walker
Roybal-Allard	Stearns	Walsh
Royce	Stenholm	Wamp
Rush	Stockman	Ward
Sabo	Stokes	Waters
Salmon	Studds	Watt (NC)
Sanders	Stump	Watts (OK)
Sanford	Stupak	Waxman
Sawyer	Talent	Weldon (FL)
Saxton	Tanner	Weldon (PA)
Schaefer	Tate	Weller
Schiff	Tauzin	White
Schroeder	Taylor (MS)	Whitfield
Schumer	Taylor (NC)	Wicker
Scott	Tejeda	Wilson
Seastrand	Thomas	Wise
Sensenbrenner	Thompson	Woolsey
Serrano	Thornberry	Wyden
Shadegg	Thornton	Wynn
Shaw	Tiahrt	Yates
Shays	Torkildsen	Young (FL)
Shuster	Torres	Zeliff
Sisisky	Torricelli	Zimmer

NOES—4

Hunter	Souder
Smith (NJ)	Wolf

NOT VOTING—10

Andrews	Ortiz	Williams
Bateman	Reynolds	Young (AK)
Moakley	Scarborough	
Nethercutt	Thurman	

□ 1156

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Chairman, I was not recorded on rollcall vote No. 631. The RECORD should reflect that I would have voted ''aye.''

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. 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. MARKEY: Page 150, beginning on line 24, strike paragraph (1) through line 17 on page 151 and insert the following:

''(1) NATIONAL AUDIENCE REACH LIMITATIONS.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, controlling, or having a cognizable interest in, television stations which have an aggregate national audience reach exceeding 35 percent. Within 3 years after such date of enactment, the Commission shall conduct a study on the operation of this paragraph and submit a report to the Congress on the development of competition in the television marketplace and the need for any revisions to or elimination of this paragraph.''

Page 150, line 4, strike ''(a) AMENDMENT.—''.

Page 150, line 9, after ''section,'' insert ''and consistent with section 613(a) of this Act,''.

Page 154, strike lines 9 and 10.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Chairman, the amendment which we are now considering addresses one of the most fundamental changes which has ever been contemplated in the history of our country. The bill, as it is presented to the floor, repeals for all intents and purposes all the cross-ownership rules, all of the ownership limitation rules, which have existed since the 1970's, the 1960's, to protect against single companies being able to control all of the media in individual communities and across the country.

□ 1200

In this bill it is made permissible for one company in your hometown to own the only newspaper, to own the cable system, to own every AM station, to own every FM station, to own the biggest television station and to own the biggest independent station, all in one community. That is too much media concentration for any one company to have in any city in the United States.

This amendment deals with a slice of that. The amendment to deal with all of it was not put in order by the Committee on Rules when it was requested as an amendment, but it does deal with a part of it. It would put a limitation on how many television stations, CBS, ABC, NBC, and Fox could own across our country, how many local TV stations, and whether or not in partnership with cable companies individual TV stations being owned by cable companies at the local level could partner to create absolutely impossible obstacles for the other local television broadcasters to overcome.

Who do we have supporting our amendment? We have just about every local CBS, ABC, and NBC affiliate in the United States that supports this amendment. We do not have ABC, CBS, and NBC in New York because they want to gobble up all the rest of America. This would be unhealthy, it would run contrary to American traditons of localism and diversity that have many voices, especially those at the local level that can serve as well as a national voice but with a balance.

Vote for the Markey amendment to keep limits on whether or not the national networks can gobble up the whole rest of the country and whether or not in individual cities and towns cable companies can purchase the biggest TV station or the biggest TV station can purchase the cable company and create an absolute block on other stations having the same access to viewers, having the same ability to get their point of view out as does that cable broadcasting combination in your hometown.

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

Mr. BLILEY. Mr. Chairman, I yield myself 2 minutes.

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

Mr. BLILEY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Massachusetts [Mr. MARKEY] restricting the national ownership limitations on television stations to 35 percent of an aggregate national audience reach.

The gentleman's amendment would limit the ability of broadcast stations to compete effectively in a multichannel environment. Indeed, the Federal Communications Commission on this issue in its further notice of proposed rulemaking issued this year, the FCC noted that group ownership does not, I repeat does not result in a decrease in viewpoint diversity. According to the FCC the evidence suggests the opposite.

Mr. Chairman, I ask the Members to look at their own broadcast situation. Who owns your local ABC, NBC, CBS affiliate? Is it local? I venture to say that 90 percent of us the answer is no, they are owned by somebody else out of town. So it is a nonissue.

As to what the gentleman says about cross ownership and saturation, I invite the Members to read page 153 of the bill. The commission may deny the application if the commission determines that the combination of such station and more than one other nonbroadcast media of mass communication and would result in a undue concentration of media voices in the respective local market. This amendment is not needed. Vote it down.

Mr. Chairman, I rise in opposition to Mr. MARKEY'S amendment restricting the national ownership limitations on telephone stations to 35 percent of an aggregate national audience reach. Mr. MARKEY'S amendment would limit the ability of broadcast stations to compete effectively in a multichannel environment. Mr. MARKKEY'S amendment would limit the ability of broadcast stations to compete effectively in the multichannel environment. Mr. MARKEY defends the retention of an arbitrary limitation in the name of localism and diversity. The evidence, however, does not support his claim.

I would simply refer Mr. MARKEY to the findings of the Federal Communications Commission on this issue in its further notice of proposed rulemaking issued this year. The FCC noted that group ownership does not result in a decrease in viewpoint diversity. According to the FCC, the evidence suggests the opposite, that group television station owners generally allow local managers to make editorial and reporting decisions autonomously. Contrary to Mr. MARKEY'S suggestion that relaxation of these limits are anticompetitive, the FCC has found that in today's markets, common ownership of larger numbers of broadcast stations nationwide, or of more than one station in the market, will permit exploitation of economies of scale and reduce costs and permit improved service.

Finally, I would note that in its notice of proposed rulemaking, the FCC questioned whether an increase in concentration nationally has any effect on diversity or the local market. Most local stations are not local at all, but are run from headquarters found outside the State in which the TV station is located. Moreover,

many local stations are affiliated with networks. As a result, even though these stations are not commonly owned, they air the identical programming for a large portion of the broadcast day irrespective of the national ownership limits.

For these reasons, the amendment proposed by Mr. MARKEY is anticompetitive and I strongly urge my colleagues to oppose his amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, it goes without saying that media is a major force in our society. Some people even blame our crime problems, our moral decay on the media. Now, I am not willing to go that far, but I am concerned about putting the control of our ideas and messages in the hands of fewer and fewer people in this country.

Right now the national audience capture is 25 percent. That seems appropriate to me in light of the fact that there is no network that reaches 25 percent, but certainly 35 percent is a reasonable compromise. There is no reason to double the concentration to 50 percent. I think 35 percent is certainly appropriate.

We talk about small business. Mr. Chairman, this bill goes in the exact opposite direction. Even big businesses may not be able to get into the market if we pass this legislation. It is clearly a barrier to market interests. In fact, 10 years ago if this bill had been in place Fox television probably could not have gotten started. It represents a threat to local broadcast decisions. Please vote with the Markey amendment.

Mr. FIELDS of Texas. Mr. Chairman, I yield 3 minutes 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 rise in strong opposition to the Markey amendment.

The rules regulating broadcasters were written in the 1950's. but the world for which those broadcast provisions were necessary doesn't exist anymore. It's gone. Most of us have recognized that fact and bidden it a fond farewell.

But not the supporters of this amendment. They would take the U.S. broadcasting industry back to the days of the 1950's. This amendment would ensure that while every other industry in America surges ahead, U.S. broadcasters remain mired in rules written when the slide rule was still state-of-the-art technology.

We should be thankful that we didn't impose the same regulations on the computer industry as we have on the broadcast industry. If we had, we'd all still be using mechanical typewriters.

The Markey amendment is the equivalent of trying to stuff a full-grown man into boys clothes—they simply won't fit anymore. The broadcast industry has outgrown the rules written for it when it was still a child.

If I could direct your attention to the graph, you will see that to reach that 50 percent limit, one would have to buy a station in more than each of the top 25 markets out of the 211 television markets. That in itself is no small feat. But keep in mind the result: Broadcasters would own a mere 30 stations out of the 1,500 TV stations nationwide. Who has this money, the financing, for that would be mind boggling.

On the question of localism—it isn't lost. Networks and group-owned stations typically air more local coverage. Covering local news simply makes good business sense—give viewers what they want or go out of business. Business succeed by making people satisfied.

Opponents will also tell you we will lose diversity in the local market with this bill. That is simply not true. Just keep in mind the following:

The FCC can deny any combination if it will harm the preservation of diversity in the local market; and under no circumstance will the FCC allow less than three voices in a market.

We must reject this backward-looking amendment. We must reject the advice of the Rip Van Winkles of broadcasting who went to sleep in the 1950's and think we are still there.

If the supporters of this amendment had their way, smoke signals would still be cutting-edge technology.

The dire predictions about the harm of lifting broadcast restrictions remind me of Chicken Little's warning that the sky is falling. Ladies and gentlemen, the sky is not falling. Freeing broadcasters from outdated ownership rules will do us no harm. If I can steal from Shakespeare, the Markey amendment is ''full of sound and fury, signifying nothing.''

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pittsburgh, PA [Mr. KLINK].

Mr. KLINK. Mr. Chairman, the Markey amendment is really very important to this bill. I will tell you that for us to have a free Nation, for people who are going to elect those of us who are their representatives in Government, they have to have different points of views.

I have had some experience in the broadcast industry for 24 years, and in fact I worked for Westinghouse, which is one of the companies who just this last week made national history in buying CBS, ABC is being bought by Disney.

I am talking to my colleagues in the business. They said, look, we are already merging news rooms. You have four or five different entities, radio and TV owned by Westinghouse and by CBS, we are merging news rooms, so before as a Member of Congress or as any public servant you may have three or four different people there gathering points of view you now have one.

So this is not a divergence of viewpoints. We are bringing all the viewpoints in there. We are creating information czars. We are creating a situation where a handful of people will in fact be able to control the opinions across this Nation, and what we are saying is, no, we do not want that, we want free broadcast, we want the broadcast signals which are owned by the people of this Nation, which are licensed by the FCC for these large corporations to broadcast on to continue.

I urge you to support the Markey amendment.

Mr. FIELDS of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Chairman, one of the major fallacies of Mr. MARKEY's arguments is that the broadcast ownership reform provisions will harm local ownership of broadcast stations.

There is an unfounded fear that networks or broadcasting groups will buy up local stations and drop local programming in favor of network programs or a bland, national fare—and that is just plain wrong.

First, under today's restrictive broadcast ownership provisions, 75 percent of television stations are owned by broadcast corporations, and of those companies, 90 percent are headquartered in States other than where their individual stations are located.

Second, networks cannot currently force an affiliate to air any specific network program. Local stations today enjoy the ''right of refusal'' which means they can air a local program instead of a network program. Nothing in H.R. 1555 will change this right of refusal.

Finally, and perhaps most important to broadcasters, is the fact that local programming is profitable. Good business sense dictates that broadcasters address the needs of the local community.

There will always be demand for local programming, especially local news, weather forecasts and traffic reports, since this is something that the networks just can't match.

In conclusion, we must also remember that H.R. 1555 does nothing to weaken existing antitrust laws regarding undue media concentration.

Mr. Chairman, I urge all of my colleagues to oppose the amendment by Mr. Markey.

The CHAIRMAN. The Committee will rise informally to receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. WALKER) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1213

COMMUNICATIONS ACT OF 1995

The Committee resumed its sitting.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

□ 1215

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Markey-Klink-Montgomery amendment. This amendment blocks national networks from owning local TV stations to control 50 percent of all the viewing audience. This would be a terrible thing, Mr. Chairman, to let ABC, Disney, NBC, CBS, Fox, own more local TV stations.

The ABC affiliate in my hometown is privately owned. When violent programs are produced, the manager of this station will not show those violent programs. If this was a network-owned station, those programs would be shown.

Let us face it, Mr. Chairman: Companies like ABC, they have no respect for Members of Congress. Now, if you want the big networks in New York City to own your local station and beat up on Members of Congress, then you ought to vote against us. But if you want TV stations to stay in private ownership, then we ask for an ''aye'' vote on the Markey-Klink-Montgomery amendment.

Mr. FIELDS of Texas. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FRISA].

Mr. FRISA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this amendment, because, curiously, and we have not heard this yet, there is a special carve-out for those wonderful, warm, local hometown newspapers such as the Washington Post. The sponsor of the amendment did not tell us there is a special provision allowing the Washington Post to have cross-ownership. Also that other wonderful local hometown newspaper, that warm and fuzzy New York Times, gets a special carve-out in this amendment. We did not hear that from the sponsor of this measure as well.

This amendment is disingenuous. Localism will be dictated by the marketplace. A business entity will not be successful unless it appeals to each local market, to the folks next door. This amendment should be defeated because it does not tell it like it is, and I think it is high time the Government got out of the business of shackling the hands of competition.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Markey amendment which would preserve cross-ownership restrictions on cable and broadcast television in local markets, as well as limit the percentage of viewers to which one media company could have access nationwide.

There's a single phrase that defines the unique character of American society and democracy. It's a phrase that we learn as children and carry with us every day, yet seldom pause to reflect upon: ''E Pluribus Unum,'' or ''Out of Many, One.''

This phrase helps explain why the Markey amendment is so important.

It reminds us that America is not monolithic. We are a nation that draws its strength from diversity, that prides itself on pluralism, that relishes the free flow of ideas.

From the earliest days of the days of this country's existence, America has been a calliope of different voices, opinions, and convictions. We've revelled in our pluralism, encouraged robust debate, and fostered an aggressive national press to facilitate free speech.

Public debate is not necessarily convenient for governing, but it's essential for democracy. It allows us to consider all sides of an issue, make sound decisions, and move ahead as one nation with firmness and resolve.

''E Pluribus Unum.'' It's a promise that all points of view will be aired—a sign that democracy is alive and well in the United States.

The Markey amendment will ensure that many voices will continue to be heard in this Nation, that no one will be granted a monopoly on espousing ideas in our communities, that we will continue our proud tradition of vigorous public debate.

In short, the Markey amendment will help preserve the diversity of opinion that is so vital to American democracy.

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

Mr. FIELDS of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. MANTON].

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

Mr. Chairman, I rise in opposition to the Markey amendment.

Mr. Chairman, the proponents of the Markey amendment continue to claim that the broadcast provisions of H.R. 1555 threaten diversity and localism, and will lead to an undue concentration of media power in the hands of a few corporations. These charges are simply untrue and unfounded.

H.R. 1555 simply allows one entity to compete in markets that reach up to 50 percent of all the viewers in the country. And in those markets they will be competing with other network-owned or affiliated stations, several independent television stations, up to 100 cable networks, direct broadcast satellites, and the telephone company's video platform.

That sounds like competition and diversity to me.

The contention that H.R. 1555 will harm localism is even more egregious. If that were true, localism would be at risk today. Seventy-five percent of the stations in the country are group owned. And more than 90 percent of those are owned by groups headquarted in cities other than where their stations are located.

Station managers provide local news and information programming because it affects their bottom line. The four major networks own and operate stations in New York City. Yet they are fiercely competitive in the area of local news, information and sports programming. The same is true across the country—no matter who owns the station. Because if they want to keep owning the station, they must provide quality local programming. Why? Because that is what the viewer demands.

Finally, despite the rhetoric you have heard today H.R. 1555 will not set the stage for one giant conglomerate to control all of the mass media outlets in a single market. The bill specifically bars the FCC from approving any acquisition that would result in fewer than three independent media voices in a market. I urge my colleagues to reject the Markey amendment.

Mr. MARKEY. Mr. Chairman, 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. Chairman, this is one area in which we do not need to argue about what would happen if we did not adopt the Markey amendment and left the bill as it is, because there was a time only about 25 years ago when that was the situation in America. What happened? There were not any rules, and we saw these enormous conglomerations of ownership of media arise all over the country.

The rules that the bill is trying to change were rules that came out of the early 1970's, under the Nixon-Ford administration. These were not some wild-eyed liberal scheme. They were designed to deal with the fact, and particularly the fact that in Atlanta, GA, one company owned every single type of news media.

I think it is astonishing that we Democrats complain about the way in which the national media ownership fosters violence on television, and you Republicans talk about how the liberal media is nothing but trouble, yet all at the same time both sides are busy trying to give the same guys that own all of these stations more and more power to own more and more and control more and more.

For goodness' sake, either we are both being hypocrites with our complaints, or else we should not be in favor of this bill unless it is amended. Vote for the Markey amendment and stick up for localism.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I have to tell you that I think my colleague from Massachusetts has got half of this amendment right, and that if you look, we understood as a country there was a problem when oil companies controlled

the oil fields and the refineries and the gas stations. That created a monopoly situation.

You have the same kind of potential, frankly, under the language under the bill itself, if you own TV production facilities, the network to distribute it, and, finally, the stations to broadcast it. I think the gentleman from Massachusetts [Mr. MARKEY] is correct, and we would be much better off with a provision in the bill that says 25 percent, not 50 percent, when it comes to station ownership.

But I have to tell you I think my colleagues has gone off the deep end in this bizarre firewall between cable TV stations and broadcast facilities. You can own a newspaper and a TV station presently, as the Milwaukee Journal and the Washington Post do; you can own a magazine and a TV station, as Post-Newsweek does; or you can own a radio station. In fact, you can own several radio stations in the same community and a television station. You can own a billboard company, a shopping magazine. You can own anything in the world except a cable television operation.

Cable is not evil. We should allow cable to compete. I urge the rejection of the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, for 7 months now, I have tried to be guided in this House by my belief that to complete the transition in this country that we needed to go through, we needed to strengthen the community. That we needed to rely on communities to step up and to become individually responsible for some of the problems that we have in this country.

In fact, as this bill is currently written, I believe that we threaten community values, that it undermines localism and the diversity in the local television markets. In fact, we do need to change the 25-percent law that currently stands on the book for ownership of network TV. But in fact, as it stands in this bill, Mr. Chairman, it will significantly reduce the availability of local programming in my district.

In my district alone, things that might be affected would include the Billy Graham Special, where networks may not see that as a replacement for their prime time viewers; or maybe the tribute to the late Jim Valvano, the great basketball coach from North Carolina State; and a tradition in the South, Christmas parades, local parades, not the Macy's Parade in New York; telethons, that have become a tremendous impetus behind the fundraisers for the United Negro College Fund; or started in Raleigh, NC, a program called Coats for Kids a telethon which raised $60,000 its first year; and the greatest love in the south, ACC basketball. Heaven forbid that would be banned because the national networks said you cannot preempt our programming.

While my colleagues on the other side of the aisle and I disagree, and we may argue about network ownership, the fact is we have to provide local programming. Vote to increase local ownership, but do not kill network programming. Vote for the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Chairman, I rise in support of the Markey amendment.

Mr. Chairman, I rise in support of the Markey-Shays amendment to retain regulation of cable rates until cable systems face actual competition.

Following defeat of the Conyers amendment to ward off concentration of competition-stifling economic power in the marketplace, the point we have reached in consideration of this legislation is very similar to where we were with airline deregulation in 1978. In the rush to deregulate aviation, Congress and the administration kept the Justice Department on the sidelines, in an advisory capacity to the Department of Transportation on antitrust and monopoly issues arising out of proposed airline mergers and acquisitions.

The result of this bifurcation of authority—the Justice Department making recommendations, but the DOT making the final decisions on antitrust matters—was that virtually no antitrust action was taken by either Department to sustain competition by preventing monopoly-producing mergers and acquisitions. Within 5 years of passage of the Airline Deregulation Act, there were 22 new entrants into air carrier competition; but, within 10 years, only 1 of those new competitors remained—all the others were either swallowed up by the major carriers, driven into bankruptcy, or reduced to a minor regional carrier status.

In the consideration of legislation to chart the future of the multibillion dollar telecommunications sector, we should learn the lessons of the past. We should not allow in this legislation the same opportunities for concentration of cable TV market power, rate gouging, and the potential for control of all news media in selected markets as we allowed for the airline industry to swallow up competition and create fortress hubs with such great economic power that they can deny market entry to any new potential competitor.

The Communications Act of 1934 clearly has been surpassed by both events and technology and needs to be updated. While technology has changed with astonishing rapidity, human nature has not changed. The 1934 act was more about constraining human avarice and the tendency of power to corrupt than it was about regulating technology.

We need to keep America on the cutting edge of technology; we need to assure that all regions of this country, small, rural communities, as well as major urban centers, can be connected to the entire world through fiber optic cable—the whole paraphernalia of cyberspace—so that anyone can set up business in a community as small as my hometown of Chisholm, MN, and have full access to the worldwide communications network.

The key to realizing that goal is to assure access for all people at affordable prices—and that means protection against the evils of monopolistic control of economic power in the marketplace, the central principle of the 1934 Communications Act.

The underlying principle of communications law has always been to assure universal access, diversity of technology, and local options. This bill, absent the Conyers amendment and the Markey-Shays amendment, will not have enough regulatory power to prevent either the long-distance companies, or the regional Bells from dominating markets in both the broadcast and cable media. This bill opens the way to rapid and massive media market domination by a few economic powerhouses who will quickly gain control of cross-media mergers.

I have great fear that, just as commercial aviation in the deregulation era has bypassed small communities, denying them even essential air service, the same small communities will be bypassed in the communications field, denied adequate universal service, or have to pay exorbitant fees for such service and, in fact, be isolated. Although the bill does include some exemptions for small phone and cable companies from competitive requirements. They are hardly sufficient to protect small rural communities from monopolistic practices. I have heard the appeals of small radio and cable TV stations, expressing the fear that they'll either be bought out or swamped by the competition and I concur with them.

Telecommunications technology is becoming one of the cornerstones of freedom of speech in our society. The information and access to the marketplace of ideas provided by telecommunications and the ability through it to conduct business, to enjoy entertainment anywhere, however remote in this country, is so crucial to a free society that, if we are going to tinker with the Communications Act, then we ought to do it right, rather than live to see monopolies dominate the marketplace of communication and regret today's legislative action.

My conclusion, Mr. Chairman, is that, absent the protections of the Conyers and Markey amendments, the effect of this bill will be monopolistic consolidation of economic power and technological control of the future of telecommunications, producing the

very antithesis of a free and open society.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I rise in strong support of the Markey amendment. In this bill, we have to be very, very careful, that while we open up competition on one hand, we do not shut down voices on the other hand. We all know that in America the people are supposed to be the ones who own the airwaves. But the faster we rush into this telecommunication age, the more we increase the chances that a few wealthy people will control everything that we read, that we hear, that we see, and that indeed is dangerous.

We have laws in this country that say no one person or company can own media outlets that reach more than 25 percent of the American public. We passed that law to promote the free exchange of ideas so no one person could monopolize the airwaves.

But the telecommunication bill as it is currently written changes all that. This bill would literally allow one person to own media outlets that reach 50 percent of the American households. Under this bill, one media mogul could control TV news stories, newspaper headlines, radio ads, cable systems, TV shows, and the information that reaches half of the American households. That is dangerous and it contradicts the very democratic principles that this Nation is based on. The gentleman from Massachusetts [Mr. MARKEY] has proposed an amendment that would set that ownership limit at 35 percent. It is a good amendment. I wish it would have gone farther, but this is the best that we could possibly get in this debate, and I hope it is successful.

I would have liked to have seen it address broader questions, who controls our radios, newspapers, networks, and the who controls the information that controls the lives of American citizens. But this is an important amendment. It improves the bill, it improves access to the American public, and I encourage my colleagues to vote for the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Chairman, I want to commend the distinguished gentleman from Florida for the cooperation and the concessions which he extended to me and express my good wishes to him. Those changes are good, because they deal with concentration at the local level.

That problem, however, is not addressed in the bill itself now with regard to the national level. The question here is are we are going to have real diversity of expression on air waves that are owned by the public and whose operation is licensed in the public interest by the FCC? With the Markey amendment, that will happen. Without the Markey amendment, that will not happen.

It is important that we see to it that the marketplace of ideas in this country is as broad and diverse as we can make it, and that all persons have access to it. Without that principle being applied, our government is weakened and hurt, and the public debate on great national issues and discussion of matters of concern to this people are hurt.

I would urge my colleagues to vote for the Markey amendment. I would say that that is the best way that we can keep in place the diversity of view which is so important in consideration of important national issues.

Mr. BLILEY. Mr. Chairman, to close debate, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee.

The CHAIRMAN. The gentleman from Texas is recognized for 6½ minutes.

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

Mr. FIELDS of Texas. Mr. Chairman, I was given the charge by our Speaker and the chairman of the full committee to move our country relative to telecommunication policy into the 21st century, not to crawl back into the 1950's. These rules were written when I was 2 years old, when President Eisenhower was President, and many Americans did not even own a television set.

□ 1230

ABC, NBC, CBS were the only viewing options. There was no CNN, no HBO, no ESPN. Individual American citizens were not even allowed to own satellite dishes without government authorization.

That was real media concentration. Today's media world is fiercely competitive. Viewers have never had more choices with 100 cable networks, direct broadcast satellites, a fourth network and the beginnings of a fifth and a sixth network. H.R. 1555 unleashes the local telephone companies with combined revenues exceeding $100 billion annually to compete in the television video business.

The rules that were appropriate when black and white television sets were the state-of-the-art technology are not appropriate today. The Committee on Commerce dusted off the 40-year-old broadcast ownership rules. We reviewed them. We revised them to fit today's highly competitive telecommunications world. With the few minutes that I have, I want to debunk some of the myths that have been brought to this floor today.

Myth No. 1, that H.R. 1555 will allow only one entity to own every media outlet in a community. The fact is antitrust laws prohibit concentration of ownership in any business sector, including telecommunications. In fact, our bill goes further. H.R. 1555 flatly prohibits acquisitions which result in fewer than three independent media voices in a market.

You should not be fooled by this particular amendment. This amendment does not address radio cross-ownership, newspaper ownership, or ownership of multiple local television stations in one market. This amendment does prohibit, under any circumstances, the ownership of a cable system and a TV station in the same market. That is it, plain and simple. H.R. 1555 prevents concentration or loss of diversity while this amendment addresses only one particular ownership combination.

Myth No. 2: H.R. 1555 would allow one entity to buy 50 percent of the television stations in the United States.

There are approximately 1,500 television stations in our country. Under our bill, a broadcaster would reach the station ownership cap upon buying only one station in each of the top 30 television markets. That is 30 television stations out of 1,500 nationwide.And there is a difference between audience reach and actual market share. You can, under our amendment, touch 50 percent of the population, but you do not necessarily have 50 percent of that audience share.

Myth No. 3: H.R. 1555 will harm localism.

Let me use my own personal example. In Houston, TX, the NBC affiliate is owned by Post-Newsweek, who by the way is supporting the Markey amendment, a small mom and pop operation. The ABC affiliate is owned by Cap Cities; the CBS, by the Belo Corp. out of Dallas. We have a Fox station and we have a Viacom station.

Our localism has gone up because you have those broadcasters competing for viewers to protect their investment. The only way they can protect their investment and attract advertisers is to have audience share. They get that by having good localism. So to think localism is not enhanced when you have openness and have free markets is absolutely wrong.

Broadcasters have the ability to provide local news and other local programming as a major advantage over national delivered cable and satellite services.

This particular amendment is a sweetheart deal. When you really bear down and you look at what is happening, you have got people who want to limit the participants in the acquisition market. When you look at who is sending around these letters, McGraw-Hill, a small mom and pop operation, AFLAC Broadcast Group, that major insurance conglomerate out of Georgia, Post-Newsweek, Pulitzer Broadcasting.

What is this amendment really all about? It is about limiting the participants in the acquisition market. It is not about localism. By the way, there is a benefit to the Washington Post, the New York Times, the Boston Globe, the Atlanta Constitution, because

under the Markey amendment those newspapers can continue to add to their media ownership, their broadcast station ownership. That is not addressed in this particular amendment.

Do not be fooled into thinking that this amendment helps struggling mom and pop operations. It does not. The Speaker has given us the charge to push the deregulatory envelope, to move this country into the 21st century, not crawl back into the 1950's. We need to recognize that technology has changed. There are new combinations. There is a need for economy of scale. This amendment needs to be defeated.

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the broadcast amendment offered by my colleague, Mr. MARKEY of Massachusetts. A lot of hard work and many long hours have been spend providing a delicate balance to all the competing interests in the communication's field. This has not been an easy task. With legislation as encompassing as this, it would be next to impossible to totally please everyone involved. I commend Chairman BLILEY, Chairman FIELDS, ranking members DINGELL and MARKEY on fashioning a bill that guarantees that the American telecommunications industry remains the most open, competitive, and innovative in the world.

Increasing the national ownership cap to 35 percent, which I support, is a 10-percent increase in what is currently allowed under the law. The bill that we are considering would begin with the 35 percent cap, but then would expand this cap to 50 percent in the second year. I fear that this increase would be detrimental to our local stations and the idea of local control.

If local stations do not have the freedom to select programs other than those provided by their network owners, this could result in too much concentration on network control of the distribution system, which I fear would result in network bullying of small affiliates. Additionally, it would be difficult for new networks—or new national competitors—to develop. We must preserve the right of our local television stations to choose their programming, and I urge my colleagues to support this amendment.

Mr. DINGELL. Mr. Chairman, I rise in support of the Markey amendment. As I noted earlier in this debate, this amendment is necessary to correct a deficiency in this bill.

The Markey amendment amends the Stearns' amendment that was adopted by the committee. While Mr. STEARNS was unwilling to compromise on the language of his amendment that repealed the national ownership and cross ownership limitations, we did reach an agreement on the issue of local concentration. That agreement, which is now incorporated in the bill before us, guarantees that there will never be fewer than two independent media voices in even the smallest markets in the country. It further permits the FCC to deny license assignments, transfers or renewals if the Commission determines that the granting of the assignment, transfer or renewal would in combination with a non-broadcast media, result in an undue concentration of media voices in the local market. This is good law, and I would like to commend the gentleman from Florida for his willingness to work with me on this.

But while there are safeguards at the local level, H.R. 1555 goes overboard with respect to national limits and cross-media restrictions. The Markey amendment will permit the type of expansion that I think we all agree the networks need. But is does so in a manner that will preserve the local decision-making about programming decisions that has served our Nation well.

The Markey amendment also retains the broadcast/cable cross ownership prohibition. This provision is necessary because it ensures that if the ''Must Carry'' provisions of the 1992 Cable Act are struck down by the courts, cable operators aren't in a position to purchase local broadcast stations and then deny carriage to the other broadcasters in a community. It is a provision that is important to our local broadcasters, and important to preserve the public's access to diverse sources of information.

Mr. Speaker, I know there are many Members who want to speak in a limited period of time. I urge the adoption of the amendment and yield back the balance of my time.

Mr. MFUME. Mr. Chairman, I rise in support of the Markey amendment. I thank the distinguished gentleman from Massachusetts for offering this amendment which would correct the provision within H.R. 1555 that increases TV broadcast ownership.

As you know, this amendment would limit to 35 percent the percentage of households nationwide that may be reached by TV stations owned by a single network. It also restores the cross-ownership limit which prohibits owners of local TV stations from owning a cable system in the same local market.

However, I still have concerns about the problems facing radio ownership limits. H.R. 1555 would eliminate current FCC rules that limit national ownership of radio stations to 40 stations (20 AM and 20 FM) and which limits local ownership of radio stations to four (2 AM and 2 FM).

All broadcast ownership limitations were instituted to ensure that the public does not receive its news and editorial programming from a select group that controls the Nation's airwaves.

Rather, the present allocation scheme has allowed a diverse set of broadcast owners in each market and has fostered an assortment of news, public affairs and editorial programming.

I fear that the elimination and relaxing of local ownership limits has the potential of deterring future minority participation.

Currently, African-Americans own only 178 of the approximately 10,000 commercial radio stations operating in the country.

The overall effect of this bill is to squeeze minorities, who usually own only one or two small stations, out of the industry.

Repeal of ownership limitations will certainly make it more difficult for small and medium sized firms to grow.

Consolidation will make it very difficult for prospective owners, particularly African-Americans, Hispanics, and Asians, to enter the industry.

This bill unfairly benefits the large broadcast owners at the expense of the smaller companies.

H.R. 1555 will allow media to consolidate in the hands of a few large companies creating an unhealthy concentration of power.

While many argue that deregulation is the best means to bring forth competition, in this case, deregulation would actually decrease competition.

While I would like to have seen current radio broadcast ownership limitations reinstated, I do, however, lend full support to the Markey amendment which would restore some of the limitations eliminated by this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 195, not voting 11, as follows:

[Roll No. 632]

AYES—228

Abercrombie	Ford	Menendez
Baesler	Fowler	Meyers
Baldacci	Frank (MA)	Mfume
Ballenger	Franks (NJ)	Miller (CA)
Barcia	Funderburk	Mineta
Barrett (WI)	Furse	Minge
Becerra	Gejdenson	Mink
Beilenson	Gephardt	Mollohan
Bentsen	Geren	Montgomery
Bereuter	Gibbons	Moran
Berman	Gonzalez	Morella
Bevill	Gordon	Myers
Bishop	Graham	Myrick
Blute	Green	Neal
Boehlert	Gutierrez	Norwood
Bonior	Hall (OH)	Oberstar
Bono	Hall (TX)	Obey
Borski	Hamilton	Olver
Boucher	Hastings (FL)	Orton
Brewster	Hayworth	Owens
Browder	Hefner	Parker
Brown (CA)	Heineman	Pastor
Brown (FL)	Hilliard	Payne (NJ)
Brownback	Hinchey	Payne (VA)
Bryant (TX)	Hobson	Pelosi
Bunn	Hoke	Peterson (FL)
Burr	Holden	Peterson (MN)
Camp	Horn	Petri
Chambliss	Hostettler	Pickett
Chapman	Inglis	Pomeroy
Chenoweth	Jackson-Lee	Quillen
Clay	Jacobs	Rahall
Clayton	Jefferson	Ramstad
Clement	Johnson (CT)	Rangel
Clyburn	Johnson (SD)	Reed
Coble	Johnston	Regula
Coleman	Jones	Richardson
Collins (GA)	Kanjorski	Rivers
Collins (IL)	Kaptur	Roberts
Collins (MI)	Kennedy (MA)	Roemer
Conyers	Kennelly	Rogers
Costello	Kildee	Rose
Coyne	Kingston	Roukema
Cramer	Kleczka	Roybal-Allard
Crapo	Klink	Rush
Cunningham	LaFalce	Sabo
Davis	Lantos	Salmon
de la Garza	Leach	Sanders
DeFazio	Levin	Sawyer
DeLauro	Lewis (GA)	Schiff
Dellums	Lewis (KY)	Schroeder
Dingell	Lincoln	Scott
Dixon	Lipinski	Shaw
Doggett	Lofgren	Sisisky
Doyle	Longley	Skaggs
Duncan	Luther	Skelton
Durbin	Markey	Slaughter
Edwards	Martinez	Smith (NJ)
Ehlers	Martini	Solomon
Ensign	Mascara	Spratt
Eshoo	Matsui	Stark
Evans	McCarthy	Stenholm
Everett	McDermott	Stokes
Farr	McHale	Studds
Fattah	McHugh	Stupak
Fields (LA)	McKinney	Tanner
Filner	McNulty	Taylor (MS)
Flake	Meehan	Tejeda
Foglietta	Meek	Thompson

Thornton	Vento	Wilson
Torkildsen	Visclosky	Wise
Torres	Waters	Wolf
Torricelli	Watt (NC)	Woolsey
Traficant	Waxman	Wyden
Tucker	Whitfield	Wynn
Velázquez	Wicker	Yates

NOES—195

Ackerman	Frisa	Moorhead
Allard	Frost	Murtha
Archer	Gallegly	Nadler
Armey	Ganske	Nethercutt
Bachus	Gilchrest	Neumann
Baker (CA)	Gillmor	Ney
Baker (LA)	Gilman	Nussle
Barr	Goodlatte	Oxley
Barrett (NE)	Goodling	Packard
Bartlett	Goss	Pallone
Barton	Greenwood	Paxon
Bass	Gunderson	Pombo
Bilbray	Gutknecht	Porter
Bilirakis	Hancock	Portman
Bliley	Hansen	Poshard
Boehner	Harman	Pryce
Bonilla	Hastert	Quinn
Brown (OH)	Hastings (WA)	Radanovich
Bryant (TN)	Hayes	Riggs
Bunning	Hefley	Rohrabacher
Burton	Herger	Ros-Lehtinen
Buyer	Hilleary	Roth
Callahan	Hoekstra	Royce
Calvert	Houghton	Sanford
Canady	Hoyer	Saxton
Cardin	Hunter	Schaefer
Castle	Hutchinson	Schumer
Chabot	Hyde	Seastrand
Christensen	Istook	Sensenbrenner
Chrysler	Johnson, E. B.	Serrano
Clinger	Johnson, Sam	Shadegg
Coburn	Kasich	Shays
Combest	Kelly	Shuster
Condit	Kennedy (RI)	Skeen
Cooley	Kim	Smith (MI)
Cox	King	Smith (TX)
Crane	Klug	Smith (WA)
Cremeans	Knollenberg	Souder
Cubin	Kolbe	Spence
Danner	LaHood	Stearns
Deal	Largent	Stockman
DeLay	Latham	Stump
Deutsch	LaTourette	Talent
Diaz-Balart	Laughlin	Tate
Dickey	Lazio	Tauzin
Dicks	Lewis (CA)	Taylor (NC)
Dooley	Lightfoot	Thomas
Doolittle	Linder	Thornberry
Dornan	Livingston	Tiahrt
Dreier	LoBiondo	Towns
Dunn	Lowey	Upton
Ehrlich	Lucas	Vucanovich
Emerson	Maloney	Waldholtz
Engel	Manton	Walker
English	Manzullo	Walsh
Ewing	McCollum	Wamp
Fawell	McCrery	Ward
Fazio	McDade	Watts (OK)
Fields (TX)	McInnis	Weldon (FL)
Flanagan	McIntosh	Weldon (PA)
Foley	McKeon	Weller
Forbes	Metcalf	White
Fox	Mica	Young (FL)
Franks (CT)	Miller (FL)	Zeliff
Frelinghuysen	Molinari	Zimmer

NOT VOTING—11

Andrews	Ortiz	Volkmer
Bateman	Reynolds	Williams
Gekas	Scarborough	Young (AK)
Moakley	Thurman	

□ 1256

The Clerk announced the following pair:

On this vote:

Mr. Andrews for, with Mr. Scarborough against.

Ms. DANNER changed her vote from ''aye'' to ''no.''

Messrs. DAVIS, FOGLIETTA, and PARKER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Chairman, earlier today during consideration of H.R. 1555, Communications Act of 1995, I missed rollcall vote No. 632. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 2–6 OFFERED BY MR. MARKEY

Mr. MARKEY. 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. MARKEY: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life than children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

''(v) Prescribe—

''(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

''(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.''.

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

''(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).''.

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

''(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

''(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

''(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

''(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

''(A) enables parents to block programming based on identifying programs without ratings,

''(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

''(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.''.

(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking ''section 303(s), and section 303(u)'' and inserting in lieu thereof ''and sections 303(s), 303(u), and 303(w)''.

(e) APPLICABILITY AND EFFECTIVE DATES.—

(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) EFFECTIVE DATE OF MANUFACTURING PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

Does the gentleman from Virginia [Mr. BLILEY] rise in opposition?

Mr. BLILEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

□ 1300

Mr. Chairman, this is not a debate over how many more hundreds of thousands of miles of fiberoptic may be laid or how many gigabits of additional computer power may be established. All that is find and well, but you cannot measure a nation, you cannot measure a people, by how many gigabits or feet of fiberoptic they have as a country.

You measure a country by its values. You measure a country by who those people are, and that is what this debate is going to be all about, and why the gentleman from Virginia [Mr. MORAN], the gentleman from Indiana [Mr. BURTON], the gentleman from South Carolina [Mr. SPRATT], and I and many others have been working so hard on this issue over the last month.

Mr. Chairman, this amendment will give every parent in the United States a violence chip in their television set, so that they will be able to block out excessively violent and sexually explicit programming that they believe is inappropriate for their 2-year-old, 3-year-old, 4-year-old, 6-year-old, 8-year-old and adolescent children.

All of the ratings will be done voluntarily by the broadcasters. There is no mandate. There is no enforcement mechanism. There is absolutely no connective tissue between this bill and any first amendment violation. The only objective we have is to give power to parents in their own living rooms, not ''big brother'' in New York City, programming hundreds of television programs a week, but ''big mother'' and ''big father'' in every living room, protecting their own children every day of the week.

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

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. PAXON], a member of the committee.

Mr. PAXON. Mr. Chairman, I rise in strong opposition to the Markey mandate amendment and in support of the Coburn-Tauzin substitute. If adopted, the Markey amendment would quickly become known as the Full Employment Act for Government Bureaucrats. If the Markey mandate prevails—a huge new Government Office of Television Ratings may soon be established—because a mandated V-chip just doesn't work without a rating system.

It would require thousands of bureaucrats, costing hundreds of millions of dollars, to view and rate the 10,000 individual shows on 2,000 stations, encompassing 150,000 hours of local and national broadcast programming. Of course, the ratings would be subjective. What is rated as offensive would be decided by Government censors based on their personal interpretation.

The end result, giving the Federal Government unprecedented power to establish standards of morality and decency in the media, unbridled power to the very government many Americans believe has already contributed greatly to the breakdown of values in our land.

My colleagues, I'm certain we are all in agreement, the televised violence and sexual content that daily bombards our homes is harmful to children and society. However, tonight's discussion is not about agreeing on the problem but agreeing on the methods for solving it.

The sound-bite solution suggested by the President—the mandated V-chip—sounds innocuous enough. But, on inspection, it is simply another big-government band-aid that does nothing to address the underlying problem.

First, as we discussed, the Markey chip mandate cannot work without a bureaucratically driven, Government-mandated rating system.

Second, the V-chip will only be installed on new TV's, meaning widespread usage won't be in place until well into the 21st century. So much for fast action to combat televised violence and sexual explicitness.

Third, approval of a V-chip means Congress has chosen one narrow piece of technology over all other parental blocking options. That means the scores of other technologically driven, parental controlled blocking devices now under development may fall by the wayside, further limiting choice and immediate use by families.

There is good news, however, for parents who want help today to control television, and who don't want a more intrusive, big-government involvement in their families. Here's a list of 160 of the 220 currently available TV models, each with parental control features.

In addition there are scores of blocking units under development, many ready to go into production within months, that will economically allow parents to blank out channels, time slots, or individual programs.

It is anticipated that very shortly, these units will move to the next generation using card or diskette readers so families can subscribe to ratings services and easily censor their kids programming.

Then every non-government group that desires can issue their own ratings, maybe the Christian Coalition, or United We Stand, or the ACLU—whomever.

All this well before the Markey mandated V-chip makes its way into a single living room. And, in the case you want an even faster, easier and cheaper way to control kids access to TV, here it is, a $19.95 lockout device. All of these products are relatively new to the marketplace developed in response to growing demands from parents.

Unfortunately, many of these private sector solutions are jeopardized by the one-size-fit-all, Markey mandate. There is another choice. The Coburn-Tauzin substitute would not pick a technology winner but would be the quickest way to get better, more parent friendly blocking devices to market.

Our approach would call on the industry to: First, establish a fund to allow entrepreneurs to develop units to let parents block inappropriate programming, and second, report to the public on the status of these technologies and new improvements.

On the first front, that fund has recently been established and already totals over $2 million. These funds will be used for production, advertising and market research to get blocking products into parents hands.

Third, our substitute requires the GAO to report to Congress on new technologies for blocking, whether they are parent friendly, and the relative availability to the public, and fourth, finally, our substitute strikes the mandate and bureaucracy features of Markey.

My colleagues, tonight the choice is clear. It's Coburn-Tauzin to keep decisions in the hands of parents not government. Or, it's the Markey Mandate Bill which gives a huge new government bureaucracy more power than

ever to inflict their Beltway values on the rest of America.

Vote ''yes'' on Coburn-Tauzin and ''no'' on the Markey Mandate.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. MARKEY. Mr. Chairman, I would like to know if, under the rules, it is permissible for me to yield 7½ minutes to the gentleman from Indiana [Mr. BURTON] and then allow him to disburse that time as he sees fit.

The CHAIRMAN. The gentleman may yield the time by unanimous consent and the gentleman from Indiana may yield from that time.

Mr. MARKEY. Then, Mr. Chairman, I ask unanimous consent that the gentleman from Indiana be yielded 7½ minutes, and that he be given control of that time.

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

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] is recognized for 7½ minutes.

Mr. BURTON of Indiana. I yield myself 2¼ minutes.

Mr. Chairman, let me just say that this amendment is not just the Markey amendment. It is the Markey-Burton-Wolf-Hunter amendment and a lot of other Republican's amendments. It crosses party lines.

Mr. Chairman, the reason I asked that this be left up here is because what my predecessor at this microphone just said is true, these models will allow parents to block out a channel, but we are in a technology explosion. Almost everybody that has cable or a satellite can receive at least 50 channels and there are going to be 300, 400, 500 channels before long. Can my colleagues imagine a parent blocking out one channel and going to work and thinking their child is going to be safe from pornography and violence on TV? Of course not.

So we need a system where a parent can block out a whole category of violence and sexually explicit programs if they want to, so that a two-parent working family can go to work and know their children, even when they channel surf, while their parents are gone, are not going to see two women, two men, a whole bunch of people having sexual experiences, or see horrible violence in the home.

All we are saying, Mr. Chairman, is give the parents, not government, but the parent the control over what their children see. Ninety percent of the people in the country want that. This does not cut it. This does not cut it because it will only handle one program, one time slot at one time; and it will not protect any child from that kind of violent or sexually explicit material.

Mr. Chairman, in addition to that, there is no bureaucracy that is going to be created, no huge bureaucracy. This is a voluntary rating system that is submitted, if the networks do not come up with one on their own, a voluntary rating system that is recommended. We hope that the parents of this Nation will put pressure on the networks to have them adopt a system, but regardless of what the system happens to be, the total control is in the hands of the parents.

I say to all my colleagues, ''The total control is in the hands of parents in their own home.'' If they do not want certain programs to come in, they block out that category; if they want them to come in, they leave them there. They have got a little pick system in there like a bank money machine.

Mr. Chairman, this is something that vital for the moral well-being of the Nation.

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

Mr. KLUG. Mr. Chairman, I had an interesting experience about a week and a half ago. I was on the phone in the kitchen and suddenly heard frantic activity in the den just outside and heard a lot of hollering and shouting and things falling off the table and could not figure out what was going on. I went into the room and discovered, there was my 3½ year old, Colin, obviously concerned and upset because as he was watching TV, one cartoon he was watching ended and on came Ren and Stimpy.

My son knows, under orders from mom and dad, that it is off limits for him; and Beavis and Butthead is off limits for his brothers, and NYPD is not appropriate.

Mr. Chairman, I walked into the den and used a marvelous technology so he couldn't watch that show, and it is called the off button. Every television set in America comes with one, and if you do not want your children to watch something, you get off the couch and you turn it off.

Mr. Chairman, for my Republican colleagues, I thought part of last November's election was about personal responsibility, and I as a parent have the responsibility to tell my children what programming is responsible and what programming is not responsible.

If we want to buy this, we can buy it; and if we want to buy the V-chip and it is available on a voluntary basis, absolutely. But it seems to me, again, we are sending the wrong signal, because the signal is, parents are not capable of making these decisions; technology is going to solve it for them. They cannot control what their children watch; the government has got to do it for them.

If we do not like what is on TV, and we want to make sure that our children are protected, we do not need new technology. We need technology as old as the television set itself. We need only get up off the couch, walk 15 feet across the room, and just turn it off.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

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

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Markey-Moran-Burton-Spratt V-chip amendment. Many of the issues that we deal with in Congress are propagated right here inside the beltway and then they are exported back home where one group or another stirs up support for them.

Concern about this issue, trouble about this issue, constant indiscriminate violence on our television airwaves, has grown from the grassroots up. If my colleagues do not believe it, they should go home and listen to their constituents and read just about any poll that has been taken on this subject.

Mr. Chairman, vast majorities of the American people and the overwhelming number of our citizens say, it is time we do something to curb the violence on television. According to the American Psychological Association, children see over 8,000 killings on television by the time they reach the seventh grade. The American people quite simply want us to stop this outrage.

They do not want us to stop it completely. If they want to watch it, if they want their children to watch it, then this bill says they can continue to watch it. But these parents, and particularly parents who work and children who are coming home in the afternoon or are there by themselves, they want devices for parents to control the entertainment in their own households, to control the violence and vulgarity that comes in over their televisions sets.

Mr. Chairman, this bill is about parental empowerment, about controlling the conduct of their own children in their homes. These ratings and this V-chip is not going to purge violence or sex from television. They are not even intended to do that. But they will give parents more power over the television set and the type of viewing that comes into their own homes.

Many parents, frankly, may choose not to exercise it. This does not make them use the V-chip. Nonetheless, those who do will send a message to the broadcasters and the producers. It will have an inhibiting effect, I think, on the kind of scripting that they do today; and they will think twice about putting some extra indiscriminate, wanton violence and vulgarity in.

I think it will have a salutary effect. Mr. Chairman, I urge my colleagues to vote against the Coburn substitute.

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding, and I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Coburn amendment, and I rise in respect also of the Markey amendment, understanding that the intentions of that amendment are well intended.

I think what we have here, Mr. Chairman, is an issue where we are trying to clean up America and clean up the values in America. That is not the question. The question is, how do we do it, and I think what we have is a device called the V-chip. It is a one-size-fits-all-type device.

It is not going to work for everybody. An adult, for example, who does not have any children, would be mandated to go out and get, if they wanted to get a 13- or 19-inch television set, a set with a V-chip. It could cost them up to $79 extra to get that. But for those of us who have children and who want to see the programming cleaned up, there are alternatives.

Mr. Chairman, just yesterday, the four major networks came out and said that they have an alternative plan. What the Coburn-Tauzin amendment is saying is, we want to come up with the best technology to do that.

□ 1315

We will come up with that technology in the next year, and we will evaluate it and set out the standards and procedures necessary. The GAO will come back with a report no later than 18 months.

Mr. Chairman, with a V-chip my colleagues can have one TV in their house that is V-chip mandated, and the kid can go upstairs into the next room and watch the TV without the V-chip. So the V-chip in and of itself does not solve the entire problem, but what we have is a mandate here by this Coburn amendment that will empower the country and empower the parents to come up with the best technology to solve the problem.

Mr. TAUZIN. Mr. Chairman, with the balance of my time let me reiterate a point. Ninety percent of Americans in the USA polls say they are concerned about violence. I think 100 percent of us in this Chamber certainly ought to be concerned about the violence on television, but there are technologies for parents to use right now. Here is one, the Telecommander, and there are others where parents can buy equipment to put on all the televisions, the old ones and the new ones, not just the new ones that are going to be sold, and, if my colleagues do not plan to handcuff their kids to the new television when they leave the house, the V-chip is not going to do them any good.

There are other technologies on the market. The networks are prepared to help these inventors, these patenters, to bring to us products like this where we can program our set, where the Government is not setting a program for us, but where parents are doing it, and, when we come right down to it, the choice between the Markey amendment and the Coburn-Tauzin amendment and the Molinari amendment is whether or not my colleagues believe parents ought to be making the choice about what their children see or whether my colleagues believe the Government ought to be doing that with a V-chip installed in every new set that will not work anyhow unless somebody is willing to chain their children to the old set.

Mr. Chairman, kids are pretty smart. As my colleagues know, most know how to program these things better than we do, but, more importantly, they are smart enough to know, if only the new set has that control on it, they can just go into the second room and watch the old set.

The truth is the technology is there for parents to control all the sets in their house. Parents have that responsibility today. The technology is being developed over 17 years for this patent alone. The technology is on the market, will be more available on the market in the years to come, and, if my colleagues believe that parents ought to make those choices, that Government ought not be involved in censorship and deciding what kind of programming is going to be available for children, then, my colleagues, vote with the Coburn-Tauzin-Molinari amendment. If my colleagues believe Government has that role, if my colleagues trust Government to decide what is offensive to our families, then vote with the Markey amendment. It is that simple. If my colleagues want something that really works, go with the new technologies, go with the programs that allow parents to control all the sets in their house, not just the one set that the Markey amendment will impose the Government standard on.

Mr. Chairman, it is that simple a choice. Vote for parents' control rather than Government control. Vote for the Coburn-Tauzin-Molinari amendment.

Mr. BURTON of Indiana. Mr. Chairman, before I yield to the gentleman from Virginia, I yield myself 10 seconds. In the 10 seconds I want to say that it does not cost $78. It costs between 7 and 20 cents to add to already technology that is in the sets now for closed caption for the hearing impaired. This is a bogus argument. It is not $78. It is 28 cents to bring this technology forth.

Mr. Chairman, I yield 2 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, 20 cents to empower the parents of this country to do what every one of them does with their children today when they ask if they can go to a movie theater, give them a limited number of choices to help them make decisions that they cannot be in that movie theater when their child asks them to go with another friend to see a movie: G, PG, PG–13, R, and C–17, X, and not rated. The V-chip will give them a similar opportunity to do something with television that they cannot possibly do just by reading the newspaper ads.

Mr. Chairman, we have 50 channels on the cable system in Roanoke today. It is going to grow to 100 to 200 in cities across this country. Today the only way parents can exercise that same rating opportunity is to have a technological way to do it built into the television set. The V-chip will give them the opportunity to do that. It is not Government censorship. There is nothing in this bill that empowers the Federal Government in any way to impose these ratings on any of the networks.

But do my colleagues know what is going to happen? Public pressure is going to bring that about because, as soon as one or two of the cable channels, Nickelodeon, or the Disney Channel, or the Family Channel, decides that they are going to put this signal out on their cable channel, and a parent who wants to leave their children alone during the day while they are working will be able to say, ''Only allow those channels to come through on my kid's set that have a rating. Screen out all the ones that are not rated.'' Once we do that, that forces the other networks that are resisting their responsibility. It is their responsibility, not the Government's, and all we are doing is aiding them in the process.

Support the Burton-Markey V-chip amendment. Empower the parents of this country to do what is right, and let us bring about real reform in the television communications industry of this country.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, we are facing a crisis in our society. The violence that we see on television each day is part of an overall trend of desensitization toward the violence that exists on our streets. This violence has transformed American society into a place where violence rules our communities, and law-abiding citizens are afraid to be outside their homes.

Clearly, violence on television is not solely responsible for this breakdown in American society; but it does contribute to it. Our children are assaulted by a barrage of violent, sexually explicit, and otherwise obscene images each night on television. This constant stream of morally reprehensible acts being committed by their favorite characters on their favorite shows has a very real and a very frightening effect on them. Our children are becoming numb to real acts of violence through such constant exposure to ''fantasy'' violence on television. It is time that we take real steps to stop this trend. It is time for the V-chip.

I can tell you, Mr. Chairman, that as a mother of three and a former PTA president, I wish I had a V-chip in my TV when my kids were growing up. The V-chip will help to stem this dangerous tide by allowing parents to stop their

children from viewing violent programs on TV. But make no mistake, the V-chip is not about censorship, and it is not about legislating morality. It is about parental responsibility. And it is about giving parents the choice to protect their children from the harmful effects of violent television programming.

There are very few people left who dispute the notion that violence on television is hurting our children. For 25 years, we have been hearing about the negative consequences of broadcast violence, and today we have the chance to take a real and important step toward solving this problem. The V-chip puts responsibility in the hands of parents to determine what their children should and shouldn't see on TV. It lets parents decide whether they want their children to be exposed to violence. And it will finally tell broadcasters, in very real terms, that violence and pornography and obscenity are not what we want to see on television.

I urge my colleagues to support the Markey amendment.

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

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

Mr. DORNAN. Mr. Chairman, I rise with a heavy heart against the violence chip. I am still thinking it through.

Mr. Chairman, my conservative colleagues who support the V-chip amendment should be reminded of a bit of recent history. Many of you who have served here a spell will remember our good friend Bill Dannemeyer. I doubt a more principled Member of Congress has ever served. I used to call him the ''last honest man in Congress.''

If Bill were here today he would respectfully oppose this amendment. I know this because I remember a time when Bill, clearly with tongue in cheek, offered an amendment to the clean air amendments being debated in the full Commerce Committee. Dannemeyer was tired of Mr. WAXMAN's regulatory morass and the punitive penalties he would put on any business daring to fall out of compliance with Mr. WAXMAN's world view, so our friend Bill Dannemeyer thought he would give his colleague a taste of his own medicine.

Bill drafted a ''clean airwaves amendment'' to the Commerce bill to rid television of the perverted sex and buckets of blood violence which pollute the minds of latchkey kids and finally offend our public sensibilities. The Dannemeyer amendment had high penalties for noncompliance, created a government-sponsored monitoring board to determine what is excessive sex and violence, and even promised to cancel the licenses of habitual lawbreakers.

Mr. Chairman, my point in mentioning this episode is that what our friend Bill Dannemeyer did as a joke, proponents of the V-chip are doing as a serious amendment. I can't support any proposal that gives any portion of respectability to the idea that the Federal Government can frame or force a rating system. And as for Hollywood—Oh Lordy—they will use this to descend further into the pit, shrieking at families ''If you don't like our immoral product then get a V-chip!''

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

Mr. TOWNS. Mr. Chairman, I rise in support of the Coburn substitute. I understand what the gentleman from Massachusetts [Mr. MARKEY] is trying to do, and of course it points out probably the frustration that has gone on as a result of the amount of violence that we have seen on television. But let me say to him and to those that support it, Mr. Chairman, it is the wrong thing to do at this time.

Mr. Chairman, I think that what we need to do is empower parents, and the way we empower parents would be to make it possible for them to control the situation. This is a great moment and a great opportunity. This is an issue that I have been involved in for quite some time, saying that there has been too much violence on television and that our children go to bed seeing killings, and they wake up in the morning seeing people killed, wake up seeing people destroyed, and sometimes I think they get confused in terms of reality because they see a person getting killed on one episode, and the next week he is starring on another episode. I think they are confused about this whole situation.

So, Mr. Chairman, I am convinced that, yes, we must do something, but I am not sure that what is being proposed by the gentleman from Massachusetts [Mr. MARKEY], that that is what we should do. There is affordable and practical technology available for parents that does not require the Federal Government to mandate the use of a V-chip. I strongly believe that broadcasters should decrease violence on the programs, but, as consumers, we can exercise choice in this matter of what our children watch.

Mr. Chairman, that is why I strongly support the Coburn amendment. It provides consumer choice and programming control. If we do not support this provision, it would leave us with no other alternative but to rush down the path of censorship, and I want to caution my colleagues as they rush down the path of censorship. I encourage my colleagues to support this amendment. This is a way to protect our children and to empower our parents, and I think we should seize this moment by voting for Coburn and rejecting the Markey amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise in support of the Markey-Burton amendment.

Mr. Chairman, during my campaign for the U.S. Congress many parents shared their concerns and disgust with the high level of sex and violence on TV. These parents are frustrated because producers of TV shows do not seem to care about what our children watch.

Last fall, when the new TV shows were announced, a town in my district held a church parent ralley because of the sex and violence in the fall shows. Five hundred men and women marched that day. I ask my colleagues, ''Don't you think it is time that we give parents the authority they need to say what and when their children watch TV and what type of programs?''

The Markey-Burton amendment meets all the constitutional questions, and, most important, it is pro-family. Let us give the choice to the parents.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I rise in strong support of the Markey amendment. This is the last chance that we are going to have for a long, long while to give the parents a little bit of help to what their people watch on television, what their kids watch on television, and I am surprised at some of these former broadcasters that got up and made the statements they made.

Mr. Chairman, I used to be a broadcaster. I spent about 12 years on television. I know a little bit about broadcasting. And guess who is going to have a big part in this so-called study under this substitute? The big three, the ones that gave us the situation where they planted a truck and put dynamite in it, and blew it up for credibility, went to North Carolina and did some planning with false employees. This almost destroyed a food chain down there that had worked so hard.

Mr. Chairman, these are the kind of people that are going to be having input into this substitute that absolutely does nothing but another study, and in the meantime this is something that gives the parents one tool to help a little bit in this fight against pornography and degradation on television.

Vote against the substitute and for the Markey bill.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

□ 1330

Mr. BERMAN. Mr. Chairman, I rise in opposition to the Markey amendment.

It is not the notion of requiring TVs to be equipped with a particular device which concerns me. After all, I strongly supported the Decoder Circuitry Act of 1990, which requires circuitry for closed captioning for the hearing impaired.

What troubles me is how this device works. I cannot support mandating technology which hinges on the Government assessing the content of communications protected by the first amendment. Yet that is what the V-chip does.

Consider the task of rating ''Schindler's List.'' Is there violence in ''Schindler's List?'' You bet. But surely no government bureaucrat is going to say ''Schindler's List'' should be blocked by the V-chip, because that

great film has socially redeeming value in its depiction of the horrors of the Holocaust. But stop and think about this: Do we really want, and does the first amendment countenance, the Government deciding what constitutes socially redeeming value which takes programming out of the ''V'' category? I certainly do not.

I am concerned about what our children watch on television. But I want to empower parents, not a government commission, to decide what is and is not appropriate for our children to view.

I am aware that technology is emerging, hopefully hastened by the Viewer Discretion Technology Fund announced this week by the broadcasting industry, which will give parents the opportunity to choose from among many rating alternatives, from the National Education Association, to the Christian Coalition, to the parents' own individually developed assessment, and to block programming accordingly.

I would not hesitate to mandate this type of technology, although the indications are good that the industry is moving toward it voluntarily.

Parents, and not a government commission, should be responsible for what their children watch. And I want to give parents the ability to exercise that responsibility. The Markey amendment fails to do so. I urge its defeat.

Mr. BURTON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I speak today not really as a Member of Congress in the well; I speak as a parent of a 3-year-old and of a 7-year-old. You bet I want to control what they watch. One of my colleagues earlier today said well, just use the off button.

Mr. Chairman, because of this family-friendly schedule, I have be getting home most nights around midnight for the last month, and that will be again the case tonight when I return to Michigan.

Tomorrow morning is Saturday, and like most parents of little kids, my 3-year-old and my 7-year-old are going to wake each other up about 7, maybe 6:30, and they are going to go down those stairs and they are going to have that TV on when I wake up a little bit later. I have a feeling that I will not be up and I will not be able to block out what they may or may not watch.

The argument that the Markey amendment is going to set up thousands of bureaucrats is wrong. It is false.

Mr. Chairman, I have a story that ran in my local paper last week that I am going to read excerpts of and I will include the entire article in the RECORD, but it is headlined this way, ''Violence, Sex Fill The Airways.''

I am a 14-year-old junior high Afro-American female from Benton Harbor. I cannot help noticing the endless amount of times people blame the media for boisterous behavior in teens and young adults. I feel that everyone plays a role in influencing children.

As a teenager I can tell you a lot, that the TV is responsible for much of this. But I have good parents and I am a good kid. You see there are no bad kids, just misguided. Parents needs to band together, stop talking about the problem, and do something about it.

That is what the Markey-Burton amendment does. Let us stop talking about this and oppose a simple study. We know studies are not going to solve this. The evidence is in.

Do what the kids tell us as well as the parents, support the Markey-Burton substitute.

The article referred to follows:

[From the Herald-Palladium, July 30, 1995]

VIOLENCE, SEX FILL AIRWAVES

(By Debbie Allen)

I am a 14-year-old junior high Afro-American female from Benton Harbor. I cannot help noticing the endless amount of times people blame the media for boisterous behavior in teens and young adults. I feel that everyone plays a role in influencing children.

As a teen-ager, I can tell you a lot of influences and causes, including the media. For example, gangsta rap. Now here you have so-called music that calls women ''bitches'' and ''hoes,'' and that not being the worse part. It also tells young boys that it's OK to kill someone.

A prime example is Snoop Doggy Dogg. But you have to think where did it get him? In prison. Need I say more?

But it's only one factor. It's not the only factor. Any video that calls a woman a bitch, especially the black queen, then I don't want to watch it and I definitely don't buy it. They give black people a bad name making it seem like all black people do is sit up smoke blunts (marijuana) and drink beer. Well, my family doesn't.

Like Da Brat says, ''I love to get high, I mean way.'' I bet her parents are proud. Movies also depict sex and violence. They have young kids on there having sexual intercourse, making it seem like everybody's doing it and everybody's not.

All through these movies the women are having sex, most of the time with a different man each time, and you never see them use contraceptives.

Then you have violence on the other hand. If you like violence just watch any movie with Arnold Swarzenegger, Steven Seagal, Jean Claude Van Damme or Bruce Willis. For profanity, watch movies or turn to HBO for Deff Comedy Jam or just pop in a Snoop Dogg or Dr. Dre tape.

But television is also to blame. You turn on the soap operas you see teens having sex, or shall I say rolling around the bed? You see adults doing the same thing. I like soap operas, but I also have to turn because that sickens me. Another example: Beavis and Butthead.

Even talk shows. Just two weeks ago I was watching Charles Perez and the topic was strippers who can't get a date. I saw all these male and female strippers on there dancing and stripping for the audience and the audience putting money in their underwear and their putting their butts in their faces. I mean, come on. My 4-year-old nephew and 3-year-old niece were getting a kick out of this.

But worst of all, Mighty Morphin Power Rangers. The whole half hour they're fighting. They're kids' idols.

''Cosby,'' ''Family Matters,'' ''Different World,'' ''Under One Roof'' and ''On Our Own'' are all fabulous shows. They teach morals.''Family Matters'' is still hanging strong, thank God, but I'm sorry I cannot say the same for the others. Those were all taken off. Why? Only God knows.

Don't get me wrong, there are also good white shows, like ''Full House'' and ''My So-Called Life.'' But you see rock videos also promote constant violence and sex, not to mention if you listen to them too long you get a headache.

But those are just a few causes. Kids need more role models like Martin Lawrence, Usher Raymond, Michael Jackson, Brandy and Willie Norwood and Monica Arnold. Parents need to take control of their children and be good role models, but they need the help of other parents, police officers and especially the media, rappers and stars.

But I have good parents and I'm a good kid. You see there are no bad kids, just misguided.

Parnets need to band together. Stop talking about the problem and do something about it.

Debbie will be a ninth-grade student this fall at Coloma Junior High School. She lives in Benton Harbor with her parents, Albert and Labralla Allen.

Mr. MARKEY. Mr. Chairman, I yield 1 minute 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 know that many people are well meaning. I know the gentleman from Indiana may be well meaning, but I think there is a lot of fraud being played in the House.

I tell you I heard the gentleman talk about a 3- and 7-year-old. I have got a 9-year-old. The 9-year-old is curious and bright, and I can tell you that it is not 6:30 in the morning, it may be 8:00 at night, and 8:00 at night you do not know what you might be seeing.

This is not something that is compulsory; it allows the parents to choose. But what it does say, it takes away the fraud of suggesting we are going to study it, and it helps the broadcasters.

The broadcasters have a year to get together and talk about the various rating systems. We want them involved, we expect their expertise. Only if they do not do the job does the FCC get involved. I want my bright 9-year-old to be able to sit there and learn and understand and see the world, but I tell you, there are some things that come on that I am sure that you would not want anyone to see.

Mr. Chairman, I want to protect the children. What about you? Stand up for the Markey amendment.

Vote the other one down.

Mr. MARKEY. Mr. Chairman, I yield the remaining 30 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I do not get it. How does giving more power to parents mean less responsibility on their part? Does a remote control mean less responsibility? More stations only increases the need to equip parents.

I am fed up with TV violence. Support the Markey-Burton amendment.

Mr. BLILEY. Mr. Chairman, to close debate on our side, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, from the home office of the Family

Empowerment Coalition, the top 10 unintended consequences of the Markey V-chip mandate:

No. 10, bureaucrats will be able to pick the shows your kids watch, but will not read them a bedtime story.

No. 9, rating tens of thousands of hours of shows each year is fun, easy, and fat free, but it will not be cheap.

No. 8, the viewer is upset that V-chip is not as good as the original show with that Ponch guy.

No. 7, Oh, I am sorry, No. 7 has been blocked out by Government censors.

No. 6, Angela Lansbury now stars in ''Jaywalking, She Wrote.''

No. 5, provides jobs for unemployed Federal bureaucrats.

No. 4, will not work on that old out-of-date TV you bought last week.

No. 3, brings back all the intrusive Big Government attitude that we all miss.

No. 2, C–SPAN's annual NEA debate blocked out for sexual content.

And the No. 1 unintended consequence of the Markey V-chip: blocks Regis, spares Kathie Lee.

No on Markey, yes on Coburn.

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of the Markey-Burton amendment to H.R. 1555 because I believe that there is too much violence on today's television programs. V-chip technology will give parents greater control over the type of programming that their children can watch.

This amendment is important to the parents of America because most parents work long hours and are unable to monitor the type of programming that their children are watching.

This amendment helps promote freedom—freedom of what you choose to look at.

The FCC is the appropriate agency to recommend guidelines and standards for violent and indecent material so that parents can make an intelligent and informed decision. It is critical for the Government to assume this role when the television industry shows little effort to get involved.

I admit that this amendment will not solely resolve the issue of violence on television but it is an important step in the right direction. I urge my colleagues to support the Markey-Burton amendment and help contribute to a better television viewing environment for our young people.

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the Markey V-chip amendment. While well-intentioned, we don't want the Government involved in ratings. This is exactly what the Markey amendment does, and as such it runs afoul of the first amendment.

I think we all agree that parents should be able to control what their children see on television. With more and more channels, this responsibility is more and more challenging. No matter how challenging, however, we should never give up our first amendment rights.

But the V-chip would do just that. It would force the broadcasters to produce programs that are acceptable only to society as a whole. And if broadcasters choose not to rate the tens of thousands of programs they produce each year, the V-chip legislation allows the Federal Commuunications Commission to withhold their license renewals. Let me remind you this is the provision the V-chip supporters are referring to as ''voluntary.''

We need a solution to television violence. There are technologies available to parents—they can go to their local electronics store and purchase them if they wish. There are no first amendment problems with that.

But there are first amendment problems with the V-chip. We can, and should, encourage the electronics industry to continue to provide solutions to assist parents in guiding their children's viewing. And we can, and should, encourage broadcasters to be responsible in their programming. But we should never pass legislation which restricts freedom of speech. This is why I oppose the Markey V-chip, and I hope my colleagues will do the same.

The CHAIRMAN. It is now in order to consider substitute amendment No. 2–7 printed in part 2 of House Report 104–223.

AMENDMENT NO. 2–7 OFFERED BY MR. COBURN AS A SUBSTITUTE FOR AMENDMENT NO. 2–6 OFFERED BY MR. MARKEY

Mr. COBURN. Mr. Chairman, I offer an amendment 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:

Amendment offered by Mr. COBURN as a substitute for the amendment offered by Mr. MARKEY: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. FAMILY VIEWING EMPOWERMENT.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television is pervasive in daily life and exerts a powerful influence over the perceptions of viewers, especially children, concerning the society in which we live.

(2) Children completing elementary school have been exposed to 25 or more hours of television per week and as many as 11 hours per day.

(3) Children completing elementary school have been exposed to an estimated average of 8,000 murders and 100,000 acts of violence on television.

(4) Studies indicate that the exposure of young children to such levels of violent programming correlates to an increased tendency toward and tolerance of violent and aggressive behavior in later years.

(5) Studies also suggest that the depiction of other material such as sexual conduct in a cavalier and amoral context may undermine the ability of parents to instill in their children responsible attitudes regarding such activities.

(6) A significant relationship exists between exposure to television violence and antisocial acts, including serious, violent criminal offenses.

(7) Parents and other viewers are increasingly demanding that they be empowered to make and implement viewing choices for themselves and their families.

(8) The public is becoming increasingly aware of and concerned about objectionable video programming content.

(9) The broadcast television industry and other video programmers have a responsibility to assess the impact of their work and to understand the damage that comes from the incessant, repetitive, mindless violence and irresponsible content.

(10) The broadcast television industry and other video programming distributors should be committed to facilitating viewers' access to the information and capabilities required to prevent the exposure of their children to excessively violent and otherwise objectionable and harmful video programming.

(11) The technology for implementing individual viewing choices is rapidly advancing and numerous options for viewer control are or soon will be available in the marketplace at affordable prices.

(12) There is a compelling national interest in ensuring that parents are provided with the information and capabilities required to prevent the exposure of their children to excessively violent and otherwise objectionable and harmful video programming.

(b) POLICY.—It is the policy of the United States to—

(1) encourage broadcast television, cable, satellite, syndication, other video programming distributors, and relevant related industries (in consultation with appropriate public interest groups and interested individuals from the private sector) to—

(A) establish a technology fund to encourage television and electronics equipment manufacturers to facilitate the development of technology which would empower parents to block programming they deem inappropriate for their children;

(B) report to the viewing public on the status of the development of affordable, easy to use blocking technology; and

(C) establish and promote effective procedures, standards, systems, advisories, or other mechanisms for ensuring that users have easy and complete access to the information necessary to effectively utilize blocking technology; and

(2) evaluate whether, not later than 1 year after the date of enactment of this Act, industry-wide procedures, standards, systems advisories, or other mechanisms established by the broadcast television, cable satellite, syndication, other video programming distribution, and relevant related industries—

(A) are informing viewers regarding their options to utilize blocking technology; and

(B) encouraging the development of blocking technologies.

(c) GAO AUDIT.—

(1) AUDIT REQUIRED.—No later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress an evaluation of—

(A) the proliferation of new and existing blocking technology;

(B) the accessibility of information to empower viewing choices; and

(C) the consumer satisfaction with information and technological solutions.

(2) CONTENTS OF EVALUATION.—The evaluation shall—

(A) describe the blocking technology available to viewers including the costs thereof; and

(B) assess the extent of consumer knowledge and attitudes toward available blocking technologies;

(3) describe steps taken by broadcast, cable, satellite, syndication, and other video programming distribution services to inform the public and promote the availability of viewer empowerment technologies, devices, and techniques;

(4) evaluate the degree to which viewer empowerment technology is being utilized;

(5) assess consumer satisfaction with technological options; and

(6) evaluate consumer demand for information and technological solutions.

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma [Mr. COBURN] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does the gentleman from Massachusetts [Mr. MARKEY] seek recognition in opposition?

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts will be recognized for 15 minutes.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to yield 7½ minutes to the gentleman from Indiana. [Mr. BURTON], and that he be allowed to control that time.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I yield myself 4¼ minutes.

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

Mr. COBURN. Mr. Chairman, this is another one of the debates in the House where everybody wants to accomplish the same purpose. The discussion, Mr. Chairman, is about how we go about doing that, and whether or not we violate principles that have dealt us well since we have been a Nation.

This amendment is a worthwhile alternative to the V-chip. It puts parents, not the Federal Government, in the driver's seat on the subject of television program viewing choices.

The amendment of the gentleman from Massachusetts [Mr. MARKEY] assumes only that a congressionally mandated board will know best. The Markey amendment calls on Government to choose one technology over another, not the marketplace. I thought that was what this was all about, the marketplace deciding how we make these decisions.

His amendment calls on the Government to mandate a single technology and develop rating systems and require the transmission of those ratings. Whether it is a Government agency or a Government-mandated board, it is still the same. My amendment says that the market knows best.

With dozens of devices already on the market and dozens more in the development stage, the Federal Government should not be in the business of forcing a single solution on consumers. A statutory mandate will develop much more advanced, better technologies that will empower parents better and further.

There is no question that television is a powerful influence in our society. That is one of the very important reasons why it sould be parents' decision, not the Government. The parents should be making the decisions based on individual family values, not a politically balanced advisory committee.

Broadcasters, too, have a responsibility to assess the impact of their work, and understand the damage that it causes to our youth and our society. This industry must continue to take actual tangible steps towards addressing violence and sexual illicitness.

This amendment, this substitute amendment, will drive that change to empower parents with the latest technology, with the broadest technology to exclude what they decide is inappropriate.

The provisions in my amendment are real, they are tangible steps that will allow the industry and the families through free enterprise and competition to decide what is best for their children.

My amendment would call on the broadcast television cable satellite syndication and other video programming distributors and related industries to, one, establish a technology that empowers parents, not the Government to block programming they deem inappropriate; to establish and promote effective procedures for informing the viewing public as to the affordability and the development of blocking technology; and to evaluate no later than 1 year after date of enactment of this act industry-wide procedures, standards, and advisories or other mechnanisms to inform the viewers regarding available blocking devices.

I am pleased to announce that this fund has been developed and that we will see in the very near future and we do have now technology available to do this on any old or on any new TV, any old or any new TV. Every TV in the home, not just the new one.

Let me be clear. I am not opposed to providing parents with the ability to block programs that they deem inappropriate. Everyone that knows me knows that that is true. I think they should have the responsibility, but it should be the parents' responsibility, not a Government agency, not a Government mandate.

I urge Members to support the Coburn-Tauzin amendment.

Mr. BURTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I agree with my colleague who just spoke. The parents should be the ones who make the decision, but they need the tools with which to implement that decision, and they do not have it right now.

With 50 or 100 channels, there is no way they can block out the objectionable material that is coming across the airwaves. They can block out one channel, one station, one period of time, but they cannot block out the myriad of channels and the myriad of time slots and the myriad of pornography and violence that is coming across the airwaves unless they have this V-chip in their set.

All we are saying is that for 15 or 20 or 30 cents it can be put in a set because that technology is already there. It is in there with the closed captions for the hearing impaired. This Congress demanded that several years ago. So the technology is there.

Now, let me just tell you about the networks. The networks came around to see me, and they said, we will put $2 million. Do you want more? We will put $5 million into a fund to study this, to study this.

Why do they want to study it? Because they know when the ratings start going down on a show because the parents will block it out, the money goes down, and when the money goes down, then the advertisers do not buy the advertising, and when that happens, Mr. Chairman, you send a message to Hollywood really clearly: You clean up your act, and you stop this violence and sex that is coming into the homes, or you will not get the money for it.

That is where we are going to hit them. There have been boycotts in the past that have not worked. This is the greatest boycott in the world because the parents in the home controls what is coming into their homes, what their children are seeing, and if they block that out, then by gosh we are going to see some changes in this country.

The violence we see in our streets, the sex we see, the sex crimes are directly related to what our kids are consuming on television, and here is a chance not for Government but for the parents to control it.

For God's sake, we have been talking about this for years. It is time we gave the parents the tools, and this study he is talking about, the Coburn study, 3 years we will be talking about this. The Coburn study will not do a darn thing. Vote down the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to the Coburn amendment.

Mr. Chairman, we do not need any more studies in this area. No longer can we question that violence and sex that is on TV harms our children and weakens the moral strength of this Nation. Our kids are just not prepared for what is on the airwaves these days.

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We have all heard the refrain, ''Don't control what is on my TV. Let parents decide what their children can watch.'' That is exactly what the V-chip will do, allow parents to decide. Parents have got to be in the position to direct their children, to reinforce the right values, and the V-chip promotes family values, and it does it without infringing and impinging on first amendment rights.

The sweeping telecommunications bill before us touches nearly every single aspect of our communications landscape, but will fail to address parents' number 1 concern, and that is protecting their children from harmful programming. Give the power and strength back to parents. Vote down the Coburn amendment and vote for the Markey-Burton amendment.

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

Mr. Chairman, I think one of the most important points is to recognize that this technology is available today, it is being encouraged. But here is the technology that is not going to be

available if in fact we have the Markey V-chip. We are not going to have interactive television listings. We are not going to use other devices and technologies. We are not going to have set top technology. We are not going to allow the marketplace to come and bring a better method than a government-designed method.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, there is a lot of conservatives on both sides of this question, and I have a lot of respect for the gentleman from Oklahoma, Mr. COBURN, as well as my great friend, the gentleman from Indiana, DAN BURTON. But I think we are talking about here not a government mandate. It is no more a mandate for parents to be able to have a tool to use to decide what their kids are going to see than to have a PG rating or an R rating. That is put out by at least a quasi-governmental board, and yet it is something that is available in the absence of anything else.

The best thing in the world is for a parent to have seen a show and say that show is okay for my kids. That is how we do with the movies generally. But you cannot do that now with this giant menu of shows that are available. There is no working parent in the country who can go through 300 television shows before they leave for work and say I think these are good for the kids. So in the absence of that, with the mom or the dad running out the door to make their second job, they at least, if they want to, can click this V-chip in and perhaps restrain some of the violence.

Mr. Chairman, I think it makes sense. Vote for the Burton amendment and vote against the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, delay it; study it; review it: How many times has Congress dragged its heel and sidetracked legislation that the people of this country want, but well-placed inside lobbyists are desperately trying to stop?

That is what the Coburn amendment represents, because the people of this country want more control over what is coming into their living rooms, but the Hollywood lobbyists are desperately trying to sidetrack the Markey amendment.

The Coburn amendment is a diversion, political cover for those who otherwise would not have any good reason to tell the parents that they represent here in Congress why they voted against giving them the tool to keep pornography, to keep violence, to keep sex, off of the TV and the television programming coming into their living room.

I have a little girl. There is so much I will not be able to protect her about, bad drivers, getting taunted in school. I can protect with the V-chip the television programming in my living room. Vote down the Coburn amendment, vote for the Markey amendment.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. FRISA].

Mr. FRISA. Mr. Chairman, American families are being asked to buy a bag of goods, and what they are being asked to buy is called the censor chip. Now, it might look good, and it might even smell good, but if you really think about it, censorship is a bad idea.

Let us keep the feds out of the family room, and let us stop and prevent a government-issue TV guide, because, after all, mom and dad know better than any Washington censor.

Mr. Chairman, I urge a yes vote for the Coburn amendment because the censor chip crumbles when you read the fine print.

Mr. COBURN. Mr. Chairman, I yield 2 minutes 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 rise in strong support of the Coburn substitute. It promotes core Republican principles of smaller government, less intrusive regulation, and private sector solutions. It puts parental responsibility where it belongs—in the hands of parents.

This substitute will do more to protect children from objectionable programming than the Markey amendment. The Markey amendment is unfair. While two-thirds of American households do not have children under 18, the Markey amendment requires all TV purchasers to pay for the mandated V-chip.

The Markey amendment is flawed because it still does not protect children as intended. Since most houses have more than one TV set, children will still have access to TV sets not containing the V-chip.

The Markey amendment is also punishes consumers. Approximately 20 million TV sets are sold in the United States annually. Since the V-chip is estimated to add between $5 and $40 to the cost of every TV, American consumers could have to pay an additional $800 million for a feature that two-thirds do not need.

Legislative proposals to curb objectionable TV content, no matter how well intentioned, mean government control on what Americans see and hear. By contrast, the Coburn amendment recognizes that parental responsibility coupled with private industry cooperation is the only viable solution.

The broadcasting industry recognizes that its impact is vast, influencing our lives socially, economically, and politically. That is why it is willing to do more and fully endorses the Coburn amendment.

The broadcasting industry has been working to find solutions. In 1992, the networks adopted joint standards for the depiction of violence. In 1993, the four networks agreed to increase the use of violence advisories. In 1993, ABC launched a 1–800 hotline to inform parents of upcoming programs carrying advisories. In 1994, the four networks also agreed to an analysis of network programming.

I urge all my colleagues to support this amendment that leaves TV content control where it belongs, in the hands of parents—and more importantly—keeps it out of the hands of government.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, encourage it, study it, review it, delay it. America needs to move on this issue, and I rise in strong opposition to the Coburn amendment.

Mr. Chairman, I think all of us recognize that there is too much sex and there is too much violence on television today. I think we all agree that parents should have more control over the garbage that is flowing into their living rooms. But the question is, What are we going to do about it?

All over America parents are taking responsibility. They are coming home and turning the TV set off. But we all know they cannot be there all the time, and they need help, and the V-chip will give them that help.

This is not about censorship. This is not about big government. This is about giving parents the tools they need to stop the garbage from flowing into their living rooms and polluting the minds of their children.

The V-chip is based on a very simple principle, that it is parents who raise children, not government, not advertisers, not network executives, and parents should have a more powerful voice in the marketplace.

That is what the Markey amendment does. I do not come to this floor today and advocate the Coburn amendment, because the Coburn amendment does not do that. We all know it is a fig leaf. It does nothing to give parents control and it does nothing to stop sex and violence. It does nothing to force the industry to change. All it does is kill the V-chip, which is an idea supported by over 90 percent of the American public.

So if you want to endorse the status quo, vote for the Coburn amendment. But if you think parents should have more control, if you think it is values of the family we should be promoting, I urge Members to support the Markey-Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this legislation in a tougher form, in a tougher form, passed the Senate with 73 Members of that body voting for it. Members who were here before, conservatives, liberals, moderates, they are not for Government censorship. They would not

vote for it. People you guys and I respect.

This is not Government censorship; this is very, very simply a tool that we are going to give parents to protect their kids from the filth that is coming across the airwaves.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. BLILEY], the chairman of the committee.

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

Mr. BLILEY. Mr. Chairman, I rise in support of the amendment offered by Mr. COBURN. This amendment replaces the simplistic Government-sanctioned solution of mass blocking of television choices with one that relies on individual responsibility.

More importantly, the Markey amendment sets a dangerous precedent of rating the content of programming by a Government appointed board. One can only imagine where such a precedent might lead.

Mr. Chairman, last year the Subcommittee on Telecommunications and Finance held no fewer than eight hearings on the issue of violence in television. What became increasingly clear during these hearings was that the V-chip solution was unnecessary because inexpensive software and set-up technology is available now or will be shortly in the marketplace and second the V-chip only focused on only one segment of the industry—broadcast and cable—and did not address other technologies such as satellite-delivered programming. Finally, the V-chip, combined with a ratings system, raise serious constitutional questions.

The Coburn amendment takes a more reasonable approach by encouraging the deployment of inexpensive technology to enable parents to block any programming they deem unacceptable.

I urge my colleagues to reject the Markey approach and endorse the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

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

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, read this substitute. Coburn huffs and puffs for three long pages, and then, and then it blows out of steam. It does not even decree a report. In a long convoluted sentence, what it does is say it is the policy of the United States to encourage the industry to establish a fund to explore the problem further.

This would be laughable if it were not so serious. What this is, this Coburn substitute, is another in a long line of red herrings. It is another attempt to derail and sidetrack a solution to this problem. We have a solution before us, but we will not have an opportunity to vote upon it unless we defeat Coburn first, because Coburn is a substitute and everyone should understand it. It, too, is a V-chip which will block our opportunity to have an opportunity to vote upon the V-chip amendment that many Members of this House on both sides of the aisle support and parents in this country desperately want.

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

Mr. Chairman, I think it is important that the gentleman from Indiana referred to the Senate because here is what the Senate bill does. It establishes five commission members appointed by the President at salaries of $115,000 a year. It will be an executive branch commission. It may hire staff without regard to Civil Service laws. The salaries are not to exceed $108,000 a year. They can appoint additional personnel as may be necessary to do the 105,000 television shows per year.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I rise in strong opposition to the Markey V-chip amendment.

I realize the authors of this amendment are well-meaning. They see the importance of providing family viewing for American children. My gosh, we all would agree with that. We all share in that goal. That is the one vote that could get 435 votes for that. We do not want any more violence on television.

The debate is about the solution. I disagree with the solution of the gentleman from Massachusetts [Mr. MARKEY]. A censorship commission run by Federal bureaucrats is a horrendous idea. The V-chip will only block programs rated as violent or indecent by the rating commission.

Read the Senate language. We will replace parental choice with a Federal bureaucrat, and I do not trust a bureaucrat in this town to make a sensible decision where ratings are concerned.

I urge my colleagues to vote against the Markey V-chip amendment and vote for the Coburn amendment.

Mr. MARKEY. Mr. Chairman, I yield myself one-half minute.

Mr. Chairman, the gentleman from Oklahoma just made reference to the Senate bill and knows that that is not the House bill. The House bill does not have any Government censorship. At no time are broadcasters mandated to do any ratings. We mandate that a violence chip be built into television sets, but at no time do broadcasters in fact have to rate their own shows. If they do not do it, they do not do it. But we give them the V-chip.

The Coburn amendment is nothing more than the Hollywood and New York producers wish, that there be no protection for children. Vote no on the Coburn amendment or else the V-chip dies.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Chairman, let us make it perfectly clear. There are two good reasons why the V-chip is a bad idea. The first one is the same old problem we are dealing with in this bill all across the board. The Government picks the technology to solve this problem. When are we going to learn this lesson? We do not need a V-chip. We need a C-chip to keep Congress from choosing the technology that is going to solve all these problems.

Second, let us face it; ultimately the reason there is some coercion in this bill is because the Government is involved. I have got four young children. I spend a lot of time negotiating with my wife over what our children should watch on television. We do not always agree, but I do not mind negotiating with my wife. I do mind negotiating with a bureaucrat in Washington, DC.

Defeat the Markey V-chip amendment. Vote for the Coburn substitute.

The CHAIRMAN. The Chair advises that each side has one remaining speaker. The order will be the gentleman from Indiana [Mr. BURTON] first, who has 4 minutes remaining.

Mr. BURTON of Indiana. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. WOLF], one of the most respected Members of the House.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to Coburn because it will do nothing—everyone knows that—and for the Markey-Burton amendment.

The eye is the gate to the mind. It says it in the Bible. It says it in many other places. Garbage in, garbage out. Good things in, good things out. When I go see the Chariots of Fire, I leave the movies feeling good. But if you go see the Texas Chain Saw Massacre, you go out of the movies feeling not very good.

The working parents are not around all the time. Ozzie and Harriet do not live in America all the time in every house, and they are not around. But many times no one is around, and it has been said that more young women become pregnant in their own house between the hours of 3 and 5 because no one is home. So face the reality. I wish it were different, but it is not that way.

Second, if you try to block out, what show would you block out? Would you block out Married with Children? Would you block out Melrose Place? What about Beverly Hills 90210 or Beavis and Butt-head, that stupid show? Or would you block out the afternoons? What afternoon show would you do? Geraldo? We do not know how to get Geraldo, but how about Jenny Jones? Well, Jenny Jones; is that the show that the guy killed the other person on? What about Ricki Lake? It goes on, and it goes on.

Lastly, to the conservations on this side, back in 1985, I came with the idea to create a national commission on pornography, and it worked. Let me tell you who served on one of those national commissions that the gentleman

from Washington [Mr. WHITE] just ridiculed, Dr. James Dobson. And we set up a standard to bring about prosecution because, under the first term of the Reagan administration, there were no prosecutions of pornographers. But, for that national commission, we changed it around.

Somebody says this is censorship. Who were the Senators, Senator DAN COATS, we all know DAN COATS. He was one of the finest Members that ever served in this Congress. Very conservative. He supported this over in the Senate.

THAD COCHRAN, real flaming liberal over there from Mississippi. He is conservative. MIKE DEWINE, nobody was tougher on crime than MIKE DEWINE.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman should be advised not to make references to individual Members of the other body.

Mr. WOLF. These were Members who voted when they had an opportunity to do it and voted the other way.

I want to look at a quote. This is what it says: ''Unless and until there is unmistakable proof to the contrary, the presumption must be that television is and will be a main factor in influencing the values and moral standards of our society. Television does not, and cannot, merely reflect the moral standards of our society. It must affect them, either by changing or by reinforcing them.''

If we miss this opportunity, it will never come back. The moms and the dads of our districts did not have any lobbyists hanging outside for the last week. They were so busy working, trying to do it, a single parent has the toughest job in the world. This is a good opportunity. If it can be perfect when we go to conference, let us perfect it.

I strongly urge, on behalf of all the kids that are going to come home and watch this garbage, a ''no'' vote on Coburn and an ''aye'' vote for Burton.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, this is not a contest between liberals and conservatives or Republicans and Democrats. Frankly, this is a contest between parental control and corporate PAC's.

There is no parent PAC to protect their interests. Ninety percent of parents in this country support what the V-chip amendment does. But they do not have the means to buy influence over us. They have to rely upon us to do the right thing for them and for our own families.

We enable parents to get the kind of information they need so they do not feed toxic foods into the bodies of their children. Should we not enable them to control the poison that is being pumped into the minds of our Nation's children every single day? That is all this amendment does.

What does the Coburn corporate amendment do that is not currently being done? It mandates an 18-month Government study and then encourages the broadcast industry. That is the extent of it.

Our amendment does not control what parents see or anyone can see. All it does is enable parents to control what their children see.

What we do is to ask the broadcast industry to rate their own programs. Government does not rate their programs. In fact, if a new technology that is as affordable as the V-chip and is as easy to use by parents as the V-chip comes along, fine, it authorizes that as well. Government does not block any programs. It does not even rate them.

My colleagues, we have to vote against the Coburn amendment in order to be able to vote for parents by voting for the V-chip amendment.

Mr. COBURN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the majority leader.

The CHAIRMAN. The gentleman from Texas [Mr. ARMEY] is recognized for 2¾ minutes.

Mr. ARMEY. Mr. Chairman, let us start at the beginning. I love children and I hate smut. I love parents that love their children. I think good parents exercise direction over their children. That is the way it is.

When I was a boy, it was Playboy magazines. We did not have TV. My parents did not need the Government to say whether Playboy should be rated this way or that way. My dad looked at one. He said: Son, you will not buy that anymore. He says: If you buy that anymore, you will not have any money to buy anything with anymore. If you buy it a second time, if you buy it a second time, you will not be able to buy one for a while, and you will not be able to sit down.

My dad was very clear. He told me what was right. He told me what was acceptable. He said: Do not do it; you do it again you are going to be in trouble with your dad because your dad loves you and does not want you reading stuff.

I grew up. I raised five kids. We had a VCR. It has a little clock on it. Nobody could set the clock except the kids. The gentleman from Massachusetts [Mr. MARKEY] says I am going to get something called a V-chip for my grandchildren. And the Government is going to tell me what is good and what is not bad, what is smut and what is not smut. Thank God for that because I never figured it out.

The Government has a system. They will tell me what it is. Now I have to take the time to read the Government report, find what is smut, what is not smut. Then I have got to deal with some new modern electronics. I cannot even use my TV. I do not know how to make the clicker work. But now I am going to find the wonders of the V-chip, and I am going to be smart enough to program it, and so smart that my kids cannot?

Do you think there is a parent alive today that will understand the V-chip better than their kids? I promise you right now, in 60 percent of the homes today it will be only the kids that will be able to program it. But we will all have the great privilege of buying it. The Government will have the power of pretending it is protecting our kids.

There is no way you get to this point, my colleagues, if you accept the responsibility and the privilege, the honor and the joy of having children, you accept the fact that you will determine what it is they watch and what they do not watch. You will give the supervision.

You say both parents work out of the house. My mom and my dad worked out of the house every day of my life. I came home every night after school. I went and I listened to Spiderman on the radio, and I did not read Playboy. My mom and my dad would not tolerate it. They never depended upon any Government-mandated technology or any Government advisory forum. You cannot get away from it.

The parents and only the parents can protect the children. You can make everybody buy the technology. You can put the Government panel out there to make the decisions what is or what is not smut. Lord knows, they have done it, a heck of a job with the NEA. I mean, we have reliable indications that the Government's judgment is dependable. And then we can read the Government reports, and then we can read the manuals and then we can program the set. We can go off to work. I will guarantee you those kids will have used the V-chip to hack into the Pentagon's computer before midnight.

Do not kid yourselves about that. Kids will be kids. They will be unruly unless parents are parents. The Government cannot do it.

You can buy into that old line that my momma taught me to avoid: Trust me; I am from the Government. Do what I mandate of you, and your children will be safe. And take your chances with that at more cost, more expense, more confusion and more Government control through more big Government.

Or you can just simply say: I am your mom. I am your dad. You are the kid. I am the parent. You will do what I tell you to do, as parents have done for years.

□ 1515

Frankly, most of the kids have worked out pretty well without the Government.

It is a very simple thing. It is about control by the Government, mandate by the Government, or freedom and responsibility for loving parents.

Mr. Chairman, I say vote ''no'' on the Markey amendment; vote ''yes'' on the Coburn amendment. Dare to try a public policy that bets on the goodness of the American people, rather than the guile of the Federal Government.

Mr. WAXMAN. Mr. Chairman, there is wide agreement in this country that violent and sexually explicit programming desensitizes children and can influence their behavior and emotional development. But changes in society and technology have made it more difficult for parents to monitor their children's exposure to television programming. The challenge we have today is to provide parents with new and better tools without involving the Government in the determination and distribution of content.

If we give the Federal Government the authority to establish a ratings committee, to determine its members, and to assess the adequacy of the ratings that are established, we will be in violation of the first amendment. Such a process will inevitably become politicized by Members of Congress dissatisfied with the ratings that are established and they will want to impose their own judgment on content regulation. This approach will result in years of litigation and ultimate rejection by the Federal courts.

As much as the American people resent unwanted exposure to offensive programming, they have a strong belief in protection against Government censorship. I urge my colleagues to oppose a mandatory system that would undermine the first amendment and instead work to craft a policy that balances our desire to help parents protect their children with the fundamental right of free speech.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] as a substitute for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. The Chair announced that in the event a recorded vote is ordered on the underlying Markey substitute, that vote will be reduced to 5 minutes.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 201, not voting 11, as follows:

[Roll No. 633]

AYES—222

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hutchinson
Inglis
Istook
Johnson, Sam
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Parker
Paxon
Peterson (MN)
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Smith (MI)
Smith (TX)
Smith (WA)
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Towns
Traficant
Tucker
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Zeliff
Zimmer

NOES—201

Abercrombie
Baesler
Baldacci
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Bishop
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Burton
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Dooley
Dornan
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Horn
Hoyer
Hunter
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
LaFalce
Lantos
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Rivers
Roemer
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Solomon
Souder
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Torres
Torricelli
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—11

Andrews
Bateman
Moakley
Ortiz
Quillen
Quinn
Reynolds
Scarborough
Thurman
Williams
Young (AK)

☐ 1436

Mr. MINGE and Mr. DORNAN changed their vote from ''aye'' to ''no.''

Messrs. METCALF, MCHALE, GREENWOOD, HOUGHTON, LEWIS of Kentucky, MATSUI, HOLDEN, CHAPMAN, and Mrs. VUCANOVICH changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], as amended.

The amendment, as amended, was agreed to.

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

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

Mrs. MINK of Hawaii. Mr. Chairman, today I rise in strong opposition to H.R. 1555. The initial aim of this legislation was just to deregulate the communications industry, create completion, lower prices and improve telecommunications services. What we have before us today is actually the opposite. It stifles competition and is anti-consumer and creates monopolies.

H.R. 1555, with its manager's amendment, promotes monopolies at the expense of competition through mergers and concentrations of power.

H.R. 1555 allows local exchange carriers that compete in the long-distance market to discriminate against long-distance competitors by giving preferential treatment to its own long-distance operations in pricing and providing access services. In the overwhelming majority of markets today, local exchange carriers maintain control over the essential facilities that are needed to complete telephone services. The inability of other service providers to gain access to the local phone carrier's equipment will inhibit fair competition.

When you allow an excessive number of in-region buyouts between telephone companies and cable operators and permit the acquisition of an unlimited number of radio stations and newspapers, you stifle competition and suppress the diversity of content and viewpoints.

Instead of generating competition, H.R. 1555 would let cable and phone companies merge in communities of less than 50,000. As a result, nearly 40 percent of the Nation's homes could end up being served by cable and phone monopolies. This will limit access and stifle diversity of content and orchestrate conformity of viewpoint. Allowing one individual to own up to 50 percent of an industry destroys competition and filters the amount of information that citizens receive. This is contrary to our sacred rights of freedom and cripples diversity.

In 1984, Congress enacted omnibus cable legislation which, in essence, deregulated the cable industry. While this deregulation encouraged further expansion of the industry, it also gave many cable operators the opportunity to exploit their monopoly status and raise rates on subscribers. In response to consumer complaints, Congress passed the 1992 Cable Act to restrain monopoly price hikes and encourage the development of competition by making access to cable programming available to competitors. As a result of the 1992 act, cable rates stabilized and costs to consumers for equipment and installation dropped in many locations. But now, passage of H.R. 1555 threatens the affordability and quality of basic service for all cable subscribers. Do we really want to return to those days when cable companies charged consumers exorbitant rates?

Perhaps the most detrimental effect of this bill is eliminating the authority of the Justice Department to review anti-trust practices. Not allowing the Department of Justice to evaluate a request to enter the long distance market increases the probability that a phone company, like the Bell operating company or its affiliates, could use market power to substantially impede competition in the manufacturing or long-distance market. We need the Justice Department to be involved in this process to ensure adequate competition and protect the rights of consumers.

H.R. 1555 needs to deal with the issue of harmful, violent, pornographic, obscene programming our children are exposed to. I favor including V-chips on TV sets because parents, not the Government should decide what to block. Under this plan, cable programmers decide what ratings will be attached to a particular show and parents then can choose if the material is suitable for their children through the use of the V-chip. This is not censorship; this is the right to protect our children.

This bill makes sweeping changes to current telecommunications laws. Instead of creating more choices for consumers, this bill creates monopolies and stifles competition. We must not allow this kind of concentration of telecommunications. Instead we should be finding ways to provide universal service in all aspects of telecommunications. What we should be doing is promoting competition so there will be choices; so that the consumers will have the ability to pick and choose. This bill harms consumers and I urge my colleagues to vote against H.R. 1555.

Mr. SANDERS. Mr. Chairman, this telecommunications bill cripples consumer protections and should be soundly rejected. It is being touted as pro consumer when, in reality, it will cause inflated rates and will limit consumer choice. It is touted as pro-competition when it actually promotes mergers and the concentration of power.

It ignores the success of the 1992 cable regulations which provided some $3 billion in savings to cable consumers. It deregulates cable rates within 15 months and immediately deregulates cable companies that serve about 47 percent of Vermont's cable subscribers. In rural areas there just aren't enough customers to sustain more than one or two local cable companies. Without sensible regulation, these companies would be able to raise rates on their captive consumers.

Furthermore, if this bill becomes law, the FCC would no longer be allowed to review rate increases when it receives a customer complaint. The greater of 10 subscribers or 5 percent of the subscribers must complain before the FCC can review a rate hike.

This bill also substantially weakens laws that prevent media monopolies and removes the law that prohibits one owner from controlling the major newspapers, networks, and cable stations that serve a community. It makes it easy for a handful of media moguls to buy up every source of news, especially in rural areas. This would lead to less diversity of opinion, more prepackaged programming, and less local programming.

This bill has been widely criticized by virtually all consumer advocacy groups, President Clinton has threatened a veto, and I strongly urge a ''no'' vote.

Mr. COSTELLO. Mr. Chairman, I rise today to offer my comments on H.R. 1555, the Communications Act of 1995.

I support reforming our telecommunications industry so that it can move into the future and help all American consumers. I consider this legislation one of the most important bills we will vote on this year, perhaps this entire session, since it will impact every single American consumer.

From the beginning of this session, the intent of this legislation was to free up competition in local markets, to allow long-distance companies to begin competing with local Bell companies for local service, and allow the Bells to enter the long-distance market. That was the thrust of the legislation which was passed several weeks ago by the Commerce Committee.

However, early this week, Speaker GINGRICH directed the chairman of the Commerce Committee to alter the bill, in an amendment approved today. It makes drastic changes to the telecommunications legislation, changes which saw no hearing and upset the careful balance achieved by the committee bill.

This legislation now repeals the regulations on cable companies which are intended to keep rates low, meaning we could see a return to the late 1980's and early 1990's when cable rates skyrocketed. In addition, it removes any role of the Justice Department, which should have a hand in ensuring that monopolies are not created by this bill.

My intent is to pass legislation which enhances technology access and provides the consumer with a wider range of telecommunications opportunities at a reduced cost. However, this bill as written is weighted too heavily against balanced competition, which is essential to benefit the consumer, the Bell companies and the long-distance telephone companies.

Mr. Speaker, I want telecommunications reform. However, I will vote against final passage of this bill in its current form.

Mr. BONILLA. Mr. Chairman, I rise today in support of H.R. 1555, The Communications Act of 1995. This legislation benefits all Americans including those living in rural America. Those living on the ranches, farms and small towns of south and west Texas will benefit along with those living in San Antonio and other big cities. It is essential that our rural residents continue to have equal and affordable phone service.

This bill protects universal service while promoting technological advances—rural Americans should share in the benefits of these technologies. I believe that this bill gives proper consideration to providing protection for rural communities where our consumers are spread thinner and the cost for providing services can be much higher. I'm pleased that this bill recognizes that our rural communities operate under unique service conditions which must be addressed.

This bill broadly deregulates and opens markets to fair competition, while providing protections to rural local telephone companies. Low cost and availability of service have always been the concerns of rural telecommunications customers in communities like Alpine and Del City, TX. H.R. 1555 contains important protection for these communities including universal service principles that provide for comparable rural/urban rates and service, as well as a contribution to the support of universal service by all providers of telecommunications services.

This bill establishes a Federal-State joint board to recommend actions that the Federal Communications Commission and States should take to preserve universal service. This joint board will evaluate universal service as our telecommunications market changes from one characterized by monopoly to one of competition. The board will base its policies for preservation of universal service on the concept that any plan adopted must maintain just and reasonable rates. It will work with a broad recommendation to define the nature and extent of services which comprise universal service. The board will also plan to provide adequate and sustainable support mechanisms and require equitable and non-discriminatory contributions from all providers to support the plan. The plan seeks to promote access for rural areas to receive advanced telecommunications services and reasonably comparable services. The board will also base its policies on recommendations to ensure access to advanced telecommunications services for students in elementary and secondary schools in our rural areas.

The purpose of H.R. 1555 is to promote competition and reduce burdensome regulations in order to secure lower prices and higher quality services for all American consumers, including those that live in rural areas. Without the policy and direction provided in this bill, the transition for our rural communities into the information age would be restricted.

The residents of all rural areas of our country, including the 23d District of Texas deserve nothing less than the chance to participate in the new technologies, services and market conditions that will affect us well into the next century. This bill gives them that opportunity. Let's not deny our rural residents this chance. I respectively urge you join me and vote for H.R. 1555, The Communications Act of 1995.

Mr. BARTON of Texas. Mr. Chairman, independent directory publishers currently rely on local telephone companies, who hold over 96 percent of the telephone directory market and

have total control over access to subscriber list information. Section 222(a) of H.R. 1555 requires carriers providing local exchange phone service to provide this information on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request.

Independent publishers have pioneered many of the innovations in the directory industry, including coupons and zip code listings. Yet, because of problems in accessing subscriber listing information at reasonable rates, many independent publishers now find it extremely difficult to compete. In many States, independent publishers are forced to wait until the local carrier's directories are published before they can obtain the subscriber list information necessary to publish their own directories.

Even when subscriber lists are available, independent publishers often encounter significant competitive obstacles. As the Commerce Committee report on this provision indicates, over the past decade, some local exchange carriers have charged excessive and discriminatory prices for subscriber listings. In one case in my area of the country, a jury awarded $15 million in damages when it found that a telephone company had raised listing prices by 200 percent in an effort to drive an independent publisher out of business.

The Commerce Committee report makes it clear that (r)easonable terms and conditions include, but are not limited to, the ability to purchase listings and updates on a periodic basis at reasonable prices, by zip code or area code, and in electronic format. The report further indicates that section 222(a) should ensure that telephone companies will be fairly compensated. In order to avoid future excessive pricing, this statement incorporates the concept that prices be based on the incremental cost of providing the information to the independent publishers.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I support many of the improvements to telecommunications law which are contained in H.R. 1555, and I have worked long and hard to ensure open competition in the telecommunications marketplace. Nevertheless, I found it necessary to oppose H.R. 1555 on final passage.

My rationale for opposing the bill stems primarily from my concern for small minority businesses in the industry. Often, a complete deregulation results in the larger, more well-established companies consuming those small businesses that have created a niche for themselves in an industry. H.R. 1555, in its current form, offers little protection for small minority businesses in the telecommunications industry. Minority ownership of telecommunications companies, most notably radio and television station ownership, is threatened by the bill, and out of respect for the minority media industry, I opposed the bill. Mr. Chairman, I hope that as we proceed to conference with the Senate on this legislation, we can focus more closely on the needs of minorities in the ownership of media organizations.

Finally, I wish to stress that my vote today was not an objection to the inexorable progress of technology in the telecommunications industry. I realize that this progress is coming, and will be a part of our society in the future. I welcome this new technology, and hope that all Americans can be included in the promise this progress holds.

Mr. STARK. Mr. Chairman, I am very disappointed that the cable television industry will be deregulated as a result of the Telecommunications Act of 1995. Many of the consumer safeguards that resulted from the 1992 Cable Act are being swept away as a result of this legislation. The 1992 Cable Act helped keep the cable operators honest and was effective in saving consumers approximately $3 billion. True competition is still a few years away and without the necessary protections, cable operators will very likely raise their rates and overcharge their costumers for service.

From 1986–1992, when the cable industry was last deregulated, cable prices rose at three times the rate of inflation. Only when the Congress passed legislation in 1992 did the cable operators become more responsible. If cable regulations are removed, the consumers of this country will suffer.

Mr. ORTON. Mr. Chairman, H.R. 1555, the ''Communications Act of 1995'' makes major changes in our telecommunications industry. These changes will have a profound effect on consumers, on businesses, and on our society.

While much of the focus of this bill has been on industry giants fighting for market share, a number of us in the House have been very concerned about the effect of these changes on the availability and affordability of access for all Americans to emerging technologies, through the Information Superhighway.

As this bill made its way to the floor, it became apparent that the legislation simply did not contain adequate provisions to promote and ensure affordable access to this Information Superhighway for our Nation's elementary and secondary schools, public libraries, and rural hospitals.

Therefore, I joined my colleagues CONNIE MORELLA of Maryland, ZOE LOFGREN of California, and BOB NEY of Ohio in offering an amendment to the bill to address this important issue.

We were of course disappointed that the Rules Committee failed to make our amendment in order. However, we were most heartened last night to hear the distinguished chairman of the House Commerce Committee acknowledge that such a provision is included in the Senate bill, and give his assurance that he will work to see this preserved, so that the intent our amendment will be carried out in the final legislation.

I certainly understand how time constraints may have prevented the consideration of our amendment, as well as many other important amendments. However, I believe that our proposal has strong bipartisan support, and that it would have passed, if we had an opportunity to vote on this amendment.

Therefore, the chairman's comments on the floor last night are most appreciated. They serve to clarify that the failure to have an affordable access provision in H.R. 1555 does not indicate a lack of support in the House for such a provision. And, combined with the provisions in the Senate bill, they give us strong hope that such provisions will be included in any conference bill we send to the President.

Let me explain why this provision is so important. Almost everyone understands that the telecommunications revolution is changing our life, providing exciting new opportunities. Distance learning can provide tremendous opportunities to schools with limited resources. Access to the Internet can dramatically expand the resources of libraries. And the emergence of telemedicine holds hope for cost-efficient advances in health care, especially for rural patients and hospitals.

Yet, as our society increasingly takes advantage of the Information Superhighway, with its myriad applications, we face a very real danger that millions of Americans living in rural areas or of modest means may be left off. For example, today only 12 percent of the Nation's classrooms even have a telephone line, and just 3 percent are connected to the Internet. The danger is that we may create a society of information haves and have-nots.

The Senate recognized the importance of this issue by approving the Snowe-Rockefeller-Exon-Kerry amendment to the Senate telecommunications bill, S. 652. Under the Senate bill, providers of advanced telecommunications services are required, upon a bona fide request, to provide such services to elementary and secondary schools and libraries at discounted and affordable rates. In addition, such services shall be provided to rural health care facilities and hospitals at ''rates that are reasonably comparable to rates charged for similar services in urban areas.''

In contrast, the House bill does not contain language which effectively addresses the issue of affordable access. Instead, there is only a weak reference to this issue in section 247, the section of the bill which provides for the preservation of universal service.

Under this section, a joint Federal/State board is required to make recommendations to the FCC and State public utility commissions for the preservation of universal service. Subsection (b) goes on to identify principles that this joint board should base its recommendations on. Subsection 5 addresses the issue of access to advanced telecommunications services. Specifically, subsection 5 says this plan should include recommendations to ''ensure access to advanced telecommunications services for students in elementary and secondary schools.''

In simple terms, advanced telecommunications services are the means of access to the Internet, the emerging Information Superhighway. As such, this language is clearly inadequate. By itself, ensuring access is an empty and meaningless proposition. Access to anything is generally available, at a certain price. To be meaningful, such access must be affordable.

By way of illustration, 30 years ago, every American had access to college. That is, anyone could file an application, and probably pay the $20 or so application fee. However, without student loans and other financial assistance, such access was meaningless for millions of Americans. Only if access is affordable is it meaningful.

Therefore, the Morella-Orton-Ney-Lofgren amendment would have addressed this issue by adding the word affordable to the access requirement in section 247(b)(5). Second, our amendment would have expanded the range of those institutions eligible for affordable access to the Information Superhighway to include public libraries and rural hospitals engaging in telemedicine.

In offering this amendment, we had strong support from numerous organizations active in this area. At the end of my statement, I would like to include a letter of support from 33 organizations, including the National Association of

State Boards of Education, the National Education Association, the American Library Association, the International Telecomputing Consortium, and many others.

To quote from this letter:

without a national commitment to ensuring affordable access to emerging telecommunications, the United States will fall short in preparing all of its citizens to compete in the new global, information-based economy. . . . Unfortunately, H.R. 1555 lacks strong language which makes that necessary commitment. . . . We encourage you to adopt language in H.R. 1555 which ensures elementary and secondary schools and pubic libraries affordable access to the telecommunications and information technologies which are the future of American prosperity.

As we move to conference, I know I am joined by many others in the House who care deeply about the preservation of an affordable access provision. I am pleased to see strong provisions in the Senate bill, and heartened to hear the House Commerce Committee chairman's commitment to this issue in the House. Inclusion of this provision in a telecommunications conference bill which becomes law will be a critical step in making the technological advances of the 21st century available and affordable for all Americans.

SUPPORT AFFORDABLE TELECOMMUNICATIONS ACCESS FOR OUR NATION'S SCHOOLS AND LIBRARIES

July 26, 1995.

Member, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The following organizations are writing to ask for your support of the Orton/Morella amendment providing for affordable access to the Information Superhighway for schools, public libraries, and rural telemedicine. This amendment is expected to be offered to H.R. 1555, the Communications Act of 1995.

We cannot expect to increase the productivity of our schools and increase the learning at the rates that are needed without affordable access to technology. The Orton/Morella amendment includes provisions that will ensure that all of our Nation's elementary and secondary schools and public libraries have universal and affordable access to telecommunications and information services.

The National Information Infrastructure (NII) promoted by H.R. 1555, and a technologically literate public, together form the foundation of America's future competitiveness and economic growth. However, without a national commitment to ensuring affordable access to emerging telecommunications, the United States will fall short in preparing all of its citizens to compete in the new global, information-based economy. And it is clear that commitment has not yet been made. For example, less than three percent of American classrooms and only 21 percent of our public libraries (13 percent in rural areas) have access to advanced telecommunications services infrastructure for instructional purposes.

Unfortunately, H.R. 1555 lacks strong language which makes that necessary commitment. First, the measure fails to recognize the critical role of public libraries in providing information services to the communities they serve. Perhaps more importantly, though, it fails to recognize that unless schools and libraries and the people they serve are able to access the NII affordably, the tremendous resources available on the Information Superhighway will not be utilized to their fullest potential.

We encourage you to adopt language in H.R. 1555 which ensures elementary and secondary schools and public libraries affordable access to the telecommunications and information technologies which are the future of American prosperity.

Specfically, we are requesting that the House Rules Committee make the Orton/Morella amendment in order or that the provisions of this amendment be included in a managers amendment to H.R. 1555.

Sincerely,

American Association of Community Colleges (AACC), American Association of School Administrators (AASA), American Federation of Teachers (AFT), American Library Association (ALA), American Psychological Association (APA), Association for the Advancement of Technology in Education (AATE), Association for Educational Communications and Technology (AECT), Association for Supervision & Curriculum Development (ASCD), Coalition of Adult Education Organizations (CAEO), California DC Education Alliance: California Teachers Association, Association of California School Administrators, Urban School Districts in California, California Department of Education, Center for Media Education (CME), Computer Using Educators (CUE), Council for American Private Education (CAPE), Coucil of Chief State School Officers (CCSSO), Council for Educational Development and Research (CEDAR), Council of Great City Schools (CGCS), Consortium for School Networking (CoSN), Educational Testing Service (ETS), Far West Laboratory (FWL), Federation of Behavioral Psychological and Cognitive Sciences (FBPCS), The Global Village Institute, Instructional Telecommunications Council (ITC), International Telecomputing Consortium, National Association of State Boards of Education (NASBE), National Association of Elementary School Principals (NAESP), National Association of Secondary School Principals (NASSP), National Education Association (NEA), National School Boards Association (NSBA), Organizations Concerned about Rural Education (OCRE), Public Broadcasting Service (PBS), Triangle Coalition for Science and Technology Education (Triangle), U.S. Distance Learning Association (USDLA), Western Cooperative for Educational Telecommunications.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to speak on H.R. 1555, the Communications Act of 1995.

I am going to support H.R. 1555—but with reservations.

I am concerned, for instance, over the very complicated relationship between long-distance carriers and the local companies.

Over the past few weeks, after this bill was reported out of committee, this complex measure has been revised considerably.

I have no doubt the extra work was necessary to some extent in order to level the playing field. H.R. 1555 is an exceedingly complex bill that will impact every American.

It is always difficult to substantially change the landscape of entire industries—as H.R. 1555 does.

My preference is that we take the time to continue to address what I see are problems with this legislation. If it takes a few extra weeks or months, so be it.

The legislative process, however, is about compromise. And so in the end, I voted for final passage of H.R. 1555. It does promote additional competition, and opens up many barriers between telephone and cable services, and indeed, the entire telecommunications industry.

It also corrects many of the problems with the Cable Act of 1993.

Mr. Chairman, I voted for this measure because, though I don't agree with all of its provisions, it accomplishes a great deal.

We have moved forward with this bill. On balance, I believe it will be good for the American people.

Mr. PORTMAN. Mr. Chairman, I rise in support of this carefully crafted legislation because I think it will be good for the consumer. However, I do have some concerns about the impact of this bill on my constituents, who for more than a century have been provided with excellent telecommunications service by Cincinnati Bell. Notwithstanding its name, Cincinnati Bell is an independent—not a regional Bell—company. It has installed in our area one of the most modern and technologically sophisticated local networks. This benefits consumers in our area. In fact, because of Cincinnati Bell's strong commitment to serving the Greater Cincinnati area, we also have among the highest rate of universal service in the country.

Mr. Chairman, I support the pending legislation. But, the Senate bill in some ways better recognizes the circumstances of a company like Cincinnati Bell, and the consumers they serve, than the legislation before us. That is why I rise today to encourage my colleagues to join me in urging our conferees to pay particular attention to the needs of the people served by independent companies like Cincinnati Bell when this legislation is considered in conference.

Mr. FAZIO. Mr. Chairman, although we are well into the Information Age, our Government's response to the need to revamp our national telecommunications policy lags behind. Technological advances make possible the formation of new and hybrid services that do not fit into traditional categories, creating for the first time the possibility of true competition in many telecommunication fields. Today we have the opportunity to make our national telecommunications policies respond to the dynamic age in which we live.

I support final passage of this legislation because I believe it is critical for telecommunications policy in this country to move forward. If we proceed with the status quo, consumers will continue to be denied state-of-the-art services and products. U.S. competitiveness in telecommunications will continue to be in jeopardy due to antiquated restrictions on involvement in new technology. Industry and investors will not be able to effectively plan for the future. After years of debating this bill, it is time for Congress to step up to the plate.

H.R. 1555 would lift the current restrictions that prevent the telephone, cable television, broadcast television and other companies from competing in each others markets. This legislation will pave the way for a new climate where competition would replace monopoly regulation in the communication sector. H.R. 1555 will allow our country to take an important leap forward in the information age, gradually allowing telecommunications companies into other communications technologies, while guaranteeing ample consumer protections. This new competition will provide long-term consumer benefits in terms of more competitive pricing and increased choice in service.

However, it is with some reservation that I come to support final passage. I regret that some of the more contentious provisions of this bill were not resolved through the more

traditional committee process. I think it is important to note that just 1 year ago, this body passed a similar plan to revamp telecommunication law which gathered much broader support. I believe that this bill struck a more balanced approach, evidenced by the overwhelming vote of 430 to 3 in the House of Representatives.

Nevertheless, the overall need for telecommunications reform demands that Congress act on H.R. 1555. As the millennium approaches, we must ensure that our Nation is equipped for the global challenges of the new information age. We must ensure our children have access to the information infrastructure that is rapidly developing. Passage of a comprehensive telecommunications reform measure is needed now.

Mr. ROSE. Mr. Chairman, I rise to express serious concerns over H.R. 1555, the big telecommunications bill. Like a lot of the legislation that is considered by this body, this legislation has its good points and its bad points. After hearing from many of my friends on all sides of this issue and studying the ramifications of passing this legislation, I am convinced that H.R. 1555 needs to be sent back to committee for some reconstructive surgery. I understand that this legislation passed the Commerce Committee with a strong bipartisan vote. But that did not last. It appears that the manager's amendment is about to change the looks of H.R. 1555 a bit, in fact, quite a bit. In the process, it has all but ignored H.R. 1528, which the Judiciary Committee voted out 29 to 1 to give the Justice Department an active role.

I have great respect for the Speaker of this House because of our shared interest in information technology and its utilization to guarantee the free flow of information. But I have greater respect for the process that we use to conduct business in this House of Representatives and I believe that the process that allowed H.R. 1555 to come before us tonight has been flawed. This House can and should do better. Even some of my friends on the other side of the aisle have some real problems with being forced to vote on this bill at this time.

Mr. Speaker, we have such an opportunity here to pass legislation that can really benefit the American people and be fair to all those concerned. I submit to you that Congress should not be in the business of picking winners and losers in the private sector, but that is exactly what we are doing if we do not spend more time fine tuning H.R. 1555. If Congress gets it right we will have done a great deed for the American people—get it wrong and we have done them a great injustice.

For those of us like myself who really want to see the passage of comprehensive telecommunications legislation we have only one real choice. Send this legislation back to the committee and let's get it right. Mark Twain said it years ago better than I: ''The difference between right and almost right is like the difference between a lightning bug and lightning''. This legislation is far too important to rush through in the middle of the night. Too many amendments were denied consideration on the floor, in an effort to adjourn by Friday. Let's send H.R. 1555 back to committee and craft a piece of legislation that can be ungrudgingly supported by all Members of this House.

Mr. NORWOOD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks. I am pleased today to support H.R. 1555, the Communications Act of 1995. I know this has been a long, tedious process with a wide range of industries taking keen interest in every jot and title of this bill.

But Mr. Chairman, as the Titans of industry have waged their battle over this piece of legislation, it is important to note that the primary beneficiary will be and ought to be the American consumer of telephone, cable and all communications services. As the markets open up in these areas and real competition is realized, just as we've seen in the video and computer industry, we will have better technology at lower prices.

Mr. Chairman, I can't let this moment pass without commenting on the battle between the Bells and long distance that is raging still. As the gentlemen from Texas and Virginia have done, I had representatives from both interests in my office at the same time to talk with each other and try to resolve their differences. Perhaps at the end of this process we will finally see an agreeable solution. I realize that one party wants free access to all markets—which eventually I believe will happen—and the other is asking for a reasonable transition period of regulation so their markets are not taken away by the companies that own the phone lines. This bill, however imperfectly, does establish this balance.

As my friend from Washington, Mr. WHITE, has graciously reminded me throughout the process—I thank him for his advice and help—the Congress is the one entity that is trying to strike the most fair balance. The other parties own huge interests in getting their way, or at least getting a ''fair advantage,'' to borrow a phrase from the chairman from Virginia.

I would also like to thank Mr. BLILEY and Mr. FIELDS for their hard work on this bill and many long hours and still more frequent meetings and hearings that made this legislation possible. I appreciate their concern for the smaller rural phone companies that could have been severely hurt by much bigger companies during the transition period to deregulation.

The chairmen also know my concern about the Federal Communications Commission's regulatory underbrush that still exists for common carriers. I appreciate the adoption of Mr. BOUCHER's amendment in the Commerce Committee that did lighten the load by removing regulations created for another era. Perhaps we can work on further regulatory relief in the future that would unburden common carriers even more. I am particularly concerned about the smaller carriers that may not have the resources or the legal staff to push the amount of paper that the FCC demands.

Mr. Chairman, I support this bill. A bill this large cannot be perfect. But it does get us way down the road to competition, free markets, better technology and lower prices for the consumer. I urge its passage.

Mr. KLUG. Mr. Chairman, I would like to respond to the statements made on August 1, 1995 by my colleague, the gentlewoman from California [Ms. ESHOO] concerning H.R. 1555, the Communications Act.

In her remarks about cable compatibility, she would have us believe that it is a classic disagreement between the evil, foreign television manufacturers and the good, domestic technology firms. I do not believe the 30,000 Americans, employed in the manufacturing of 14 million television receivers annually for domestic and foreign sales, would agree with her characterization. The percentage of imported computers, is nearly identical to that of imported TV's, about 30 percent.

The gentlewoman would also like us to believe that her amendment would protect future technology. While it would protect the interest of proprietary technology, especially that of a home automation company in her home State, it would harm retailers, consumers, and that of television manufacturers. A wide variety of groups including the National Association of Retail Dealers and the National Consumers League have opposed the Eshoo amendment. I think it is especially significant when both retailers and consumers are on the same side of an issue as they are in this case.

Cable compatibility is a very technical issue, and one which the industry has been considering for over 2 years. The gentlewoman's amendment, which has not had a hearing, would actually thwart market competition and stifle advancing technology.

I would urge my colleagues who are conferees on this bill to take a closer look at what the Eshoo language does. I think you will find that real world technology is exactly the opposite of what Ms. ESHOO would have us believe.

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 anti-trust 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.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to this legislation, disappointed that such an important and necessary bill has fallen victim to the Republican leadership's knee-jerk acquiescence to the

profit-driven whims of corporate America at the expense of average America.

I support comprehensive reform of our Nation's outdated communications laws. During the 103d Congress I voted in favor of legislation which passed this House 423 to 4 and would have gone a long way toward opening all telecommunications markets under equitable rules, promoting competition and protecting consumers. Believe me, H.R. 1555 is a far cry from the sensible approach this body took last year on this issue.

To begin with, H.R. 1555 guts the 1992 Cable Act, which has saved consumers $3 billion in inflated monopoly fee hikes. Despite the fact that 67 percent of consumers support rate regulation and 65 percent of cable customers still believe their bills are too high, H.R. 1555 lifts cable rate regulation on the most popular cable programming immediately for smaller cable operators and 15 months after enactment of this bill for the largest operators, regardless of the competitive nature of their markets. It is estimated that this bill will increase cable bills an average of $5 monthly per individual.

Where is the sense Mr. Chairman? According to the General Accounting Office, deregulation of the cable industry prior to effective competition in 1984 resulted in a monumental rise in cable rates at three times the rate of inflation. Given the fact that effective competition exists in less than ½ of 1 percent of all cable systems nationwide and affordable cable TV alternatives for 99.5 percent of consumers from phone companies or satellite providers is not yet fully feasible, swiftly opening up these markets can only spur price gouging.

Ironically, on top of this, H.R. 1555 also raises the complaint threshold that it takes to trigger an FCC investigation of price gouging by a cable operator to a standard that has to date rarely been met by any community seeking such relief from the FCC. Talk about a bill that targets consumers in its crosshairs.

But there's more. H.R. 1555's provisions on mass media ownership virtually guarantee that power will be concentrated among a select few communications megacorporations, sacrificing the key tenets of communications policy—community control and variety of viewpoints. This legislation repeals all ownership limits on radio stations, allows one network to control programming reaching 50 percent of all households nationwide, gives one major communications entity the ability to own newspapers, cable systems, and television stations in a single town. This type of excessive media control is not a healthy prescription for competition.

All one has to do is read the recent newspaper headlines to realize that the industry Goliaths are making deals left and right, salivating in anticipation of this legislation's passage and the huge windfall it will bring them. Luckily, President Clinton has cited the unprecedented media concentration promoted by this legislation as a major stumbling block that would bring his veto.

Over the last few weeks hundreds of my constituents have contacted my office to express their opposition to the aforementioned anticonsumer provisions of this legislation. I come to this floor today to represent their views by voting against H.R. 1555.

However, I should note for the record that there are a few provisions beneficial to our Nation's small telecommunications providers included in this legislation that I do support and am glad the committee saw fit to advance.

While we should all look forward to the opportunities presented by new, emerging technologies, we cannot disregard the lessons of the past and the hurdles we still face in making certain that everyone in America benefits equally from our country's maiden voyage into cyberspace. I refer to the well-documented fact that, in particular, minority- and women-owned small businesses continue to be extremely under-represented in the telecommunications field.

In the cellular industry, which generates in excess of $10 billion a year, there are a mere 11 minority firms offering services in this market. Overall, barely 1 percent of all telecommunications companies are minority-owned. Of women-owned firms in the United States, only 1.9 percent fall within the communications category.

Some of the provisions included in this bill can make a first step in eradicating these inequities.

I am very pleased to see that Representative RUSH successfully offered an amendment in subcommittee mark-up similar to a provision I included in last year's telecommunications legislation that will help to advance diversity of ownership in the telecommunications marketplace. It requires the Federal Communications Commission to identify and work to eliminate barriers to market entry that continue to constrain all small businesses, including minority- and women-owned firms, in their attempts to take part in all telecommunications industries. Underlying this amendment is the obvious fact that diversity of ownership remains a key to the competitiveness of the U.S. telecommunications marketplace. Given the distorted mass media ownership provisions I previously discussed, Representative RUSH's takes on heightened importance.

In addition, I fully support the telecommunications development fund language included in Chairman BLILEY's manager's amendment. This language ensures that deposits the FCC receives through auctions be placed in an interest-bearing account and the interest from such deposits be used to increase access capital for small telecommunications firms. This fund seeks to increase competition in the telecommunications industry by making loans, investments or other similar extensions of credit to eligible entrepreneurs.

Finally, antiredlining provisions that prohibit carriers from discriminating against communities comprised of low-income and minority individuals address a genuine concern of mine that the information superhighway must not be allowed to bypass those communities most in need of its benefits.

Nevertheless, Mr. Chairman, taken as a whole, the bad in this bill greatly outweighs the good and, despite what those on the other side of the aisle might say, the majority of our constituents know it. Therefore, I urge my colleagues to vote no on H.R. 1555.

Mr. KLUG. Mr. Chairman, I would like to respond to the statements made on August 1, 1995, by my colleague, the gentlewoman from California [Ms. ESHOO], concerning H.R. 1555, the Communications Act.

In her remarks about cable compatibility, she would have us believe that it is a classic disagreement between the evil, foreign television manufacturers and the good, domestic technology firms. I do not believe the 30,000 Americans employed in the manufacturing of 14 million television receivers annually for domestic and foreign sales would agree with her characterization. The percentage of imported computers is nearly identical to that of imported TV's, about 30 percent.

The gentlewoman would also like us to believe that her amendment would protect future technology. While it would protect the interest of proprietary technology, especially that of a home automation company in her home State, it would harm retailers, consumers, and that of television manufacturers. A wide variety of groups including the National Association of Retail Dealers and the National Consumers League have opposed the Eshoo amendment. I think it is especially significant when both retailers and consumers are on the same side of an issue, as they are in this case.

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I would urge my colleagues who are conferees on this bill to take a closer look at what the Eshoo language does. I think you will find that real world technology is exactly the opposite of what Ms. ESHOO would have us believe.

Mr. KLECZKA. Mr. Chairman, I would like to discuss several important issues surrounding H.R. 1555, the Communications Act of 1995. Today, the House is acting on a comprehensive telecommunications reform bill that some say is the most far-reaching legislation debated in recent memory. This bill would phaseout controls that inhibit open competition in the broadcast, local telephone, long-distance, cable, and cellular industries.

The telecommunications industry is currently hampered by outdated restrictions and regulations that do not allow these innovative companies to enter each other's lines of business. Thus, consumers cannot benefit from increased competition and the companies are not fully able to develop new technologies that will benefit us all.

This legislation is designed to allow companies to evolve while ensuring that consumers are not trampled in the process. Encouraging open and fair competition should be one of our highest priorities, and it is the best route to bringing the information superhighway up to speed.

While I support the general direction of this bill and will vote for it on final passage, there are some important additions that will make this bill better. One such change is an amendment to protect consumers from cable rate increases by continuing regulation of existing cable systems until there is adequate competition. We must continue to protect consumers in this manner until true competition in the cable industry arrives.

I also support an amendment that limits to 35 percent the percentage of households that may be reached by TV stations directly owned by a single network or ownership group. We must ensure that consumers will be able to receive a diversity of viewpoints from the media. The bill as currently written could threaten the independence of many local television stations across the country. In addition, I support an amendment to preserve the authority of local governments to be compensated for use of

public rights-of-way by telecommunications providers.

These changes to H.R. 1555 are of critical importance, and I sincerely hope that fair consideration will be given to them during floor debate of this bill. One of my Republican colleagues has been quoted as saying ''this bill is not perfect, but close enough for government work.'' I disagree, and believe that, with the changes I have suggested, this bill will usher in a new modern age in telecommunications. However, failure to adequately address my concerns, either during House consideration or in conference, might require me to vote to sustain a Presidential veto of this bill.

Mr. KIM. Mr. Chairman, I rise to urge my colleagues to support the overhaul of our national telecommunications policy. This legislation will unleash vast economic and technological forces that will transform our Nation's communications network into the most advanced and competitive system in the world.

The Communications Act of 1995 is a landmark regulatory reform bill that offers countless benefits to American consumers. By busting monopolies, opening all telecommunications markets to competition, and eliminating layers of burdensome Federal regulations, H.R. 1555 will give Americans access to a whole new range of new communications services at lower prices.

This bill offers local, long distance, and cable providers the opportunity to offer complete video and communications services anywhere in the United States.

Just as important, this bill prevents monopolistic activity and guarantees true competition in the local, long distance, and cable industries. I intend to support amendments which open these markets as quickly as possible without sacrificing competition. We must ensure that local and long distance providers compete on a fair and level playing field.

By reforming our telecommunications system we will create 3.4 million jobs over the next 10 years. True competition will give hardworking families and individuals over $550 billion in savings in local, long distance, cellular, and cable prices over the next 10 years. In addition, competition will speed up the introduction of new, innovative technologies and services, such as telemedicine in rural areas and distance learning to improve education and on the-job-training.

In conclusion, Mr. Chairman, I urge my colleagues to pass a bill that will create the most technologically advanced—and lowest priced—communications system in the world.

Mr. LEVIN. Mr. Chairman, I have grave concerns about the bill before us. Both on substance and on process, this is the wrong way to go about overhauling our Nation's communications laws.

Let me be clear that I support comprehensive reform of our Nation's telecommunications laws. I support deregulation. I support increased competition. I personally feel the time has come to free the regional Bell companies to enter the long-distance, manufacturing, and video markets.

However, this legislation is seriously flawed. How can you go home to your district and explain to your constituents that you voted for this bill?

How are you going to explain that you voted for a bill that gives cable companies the green light to raise rates through the roof without first requiring them to give up their monopolies? Fifteen months after this bill becomes law, cable rates are going up. How are you going to explain it?

How are you going to explain that you voted for a bill that fails to empower parents to control the amount of sex and violence their children watch on television? In the very near future, the number of channels available to every home in America will jump from a few dozen to as many as 500 channels. I'm fed up with TV violence. We must give parents a tool to block objectionable programs they don't want their children to see. For a modest cost, a computer chip can be added to new televisions that empowers parents to do this.

How are you going to explain that you voted for a bill that's a blueprint for unprecedented media concentration? Under this bill, a single company or individual can buy up most of your town's mass media, including an unlimited number of radio stations, two TV stations, and even the town newspaper.

The process under which the House is considering this legislation is also flawed. Large portions of this bill were developed in secret, behind closed doors. This bill will profoundly affect the shape of telecommunications in this country for years to come. It will impact every person in the country who owns a telephone, watches TV, or listens to radio.

We shouldn't debate such a far-reaching piece of legislation in a few short hours, under a closed rule, without adequate time for debate or amendment. Surely, this is no way to legislate.

Mr. COYNE. Mr. Chairman, I rise in strong support of efforts to address the concerns of consumers about the telecommunications bill now before the House.

Let me say that I believe there is strong support in the House for free and open competition among the various elements of the telecommunications industry. I also support providing free and open competition to the American consumer who should be able to choose freely between providers of telephone, cable and other telecommunications services.

The question is not over the merits of free and open competition as a goal. There are, however, real questions about how we provide sufficient protection for consumers during a transition period to free and open competition. A key test is whether adequate time is provided to ensure that true competition is present before current regulatory protections are eliminated. Failure to provide such protections would provide unacceptable opportunities for the abuse of consumers by firms which enjoy a monopoly or quasi-monopoly position in their individual sectors of the telecommunications industry.

That is why I oppose in particular the provisions of H.R. 1555 which would repeal prematurely the cable rate regulations enacted by Congress as part of the Cable Television Consumer Protection Act of 1992. H.R. 1555 would drop overnight all cable rate provisions for most cable markets in the Nation and would allow only 15 months before cable rate protections are dropped for larger markets, including the City of Pittsburgh which I represent.

I believe that the rush to drop all cable rate regulations is completely unacceptable because the timeframe provided by H.R. 1555 is insufficient to provide a realistic opportunity for the emergence of true competition. Current service providers have had years to enjoy the benefits of monopoly control over local cable services. It was only with the Cable Television Consumer Protection Act of 1992 that local consumers were offered some protections from the unjustified rate increases and poor service that had been all too common in many parts of the Nation. Now, those protections would be eliminated practically overnight even though real competition has not been given a decent chance to emerge.

The rush to deregulate opens the floodgates for companies which already enjoy a monopoly position in one market to expand their dominance to other segments of the telecommunications industry. Along the way, ratepayers would be paying for this expansion through higher rates because a real alternative to their local monoploy provider is not yet in place.

A clear example of the lack of protection against the power of monopoly providers is demonstrated by a provision of H.R. 1555 which permits buy-outs of local cable companies by telephone companies, with limited exceptions. This provision is contrary to the very principle of encouraging competition which is supposed to be the reason for passing telecommunications legislation. Why in the world would two monopolies compete against each other for their customer base when it would be so much easier to simply buy the competition. The result would be one super-monopoly taking the place two companies well positioned to compete head on. This buy-out provision makes a farce out of the very idea of promoting true competition.

I also oppose provisions of H.R. 1555 which would preempt State regulatory authority to ensure that consumers are protected from abusive pricing practices. States must be able to play the role of consumer advocates in cases where monopolies or quasi-monopolies would otherwise possess unregulated opportunities to impose unjustified price increases on local ratepayers. The lack of State oversight along with the rush to repeal existing regulatory protections make H.R. 1555 a virtual road map for how to raise rates for telecommunications services.

Mr. Speaker, I must oppose H.R. 1555 as long as these anti-consumer provisions remain part of this legislation. Free and open competition must not be taken for granted. It can only emerge over time when adequate protections are provided to American families who are being put at risk by this rush to deregulate.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SHAYS), 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 secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, pursuant to House Resolution 207, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Under the order of the House of the legislative day of August 3, 1995, the amendment reported from the Committee of the Whole is adopted. No separate vote is in order.

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

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

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to recommit with instructions.

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

Mr. MARKEY. I am opposed to the bill, Mr. Speaker.

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

The Clerk read as follows:

Mr. MARKEY moves to recommit the bill H.R. 1555 to the Committee on Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

''(v) Prescribe—

''(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

''(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.''.

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

''(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).''.

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

''(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

''(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

''(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

''(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

''(A) enables parents to block programming based on identifying programs without ratings,

''(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

''(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

The Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.''.

''(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking 'section 303(s), and section 303(u)' and inserting in lieu thereof 'and sections 303(s), 303(u), and 303(w)'.

''(e) APPLICABILITY AND EFFECTIVE DATES.—

''(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

''(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

''(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

''(2) EFFECTIVE DATE OF MANUFACTURE PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of enactment of this Act.

Mr. MARKEY (during the reading). Mr. Speaker, I ask that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, the point that I am going to make right now is that you have had a nice vote. You have now voted to have the 2000 study of whether or not violence and sexual programming on television has an impact on adolescent children. The conclusion to that study is not in question.

The only question now, Mr. Speaker, is going to be whether or not, as we in our recommittal motion let the Coburn study stay in place, we add in now the

Markey V-chip amendment as the recommittal. That is it. The Coburn study stays in place, and we add on the V-chip as the recommittal motion. That is all there is to it; it is no more complicated.

Mr. Speaker, we ask that Members who care about parents in this country please vote for this recommittal motion so that both Coburn and the V-chip can be given to them as weapons against the excessive sexual and violent programming on television in our country.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, this has been a very hard fight, and for some of us, it is kind of emotional because we have seen what happens when violence occurs in the home. I used to see that violence on a regular basis when I was a kid, and as I grew up, I started watching that same kind of violence on television, and then I say society become more and more violent.

I saw kids start killing other kids. I saw 12-year-old kids raping other 10- and 11-year-old children, and we say, ''why is this happening?''

Mr. Speaker, I submit that, in large part, it is due to what FRANK WOLF of Virginia said a while ago, ''Garbage in, garbage out.'' The kids are seeing a steady diet of violence and sex, and there is no way for parents who are working day and night to keep their kids safe from it. There is no way. This is the only technology that is available that will do it.

Mr. Speaker, I love all my colleagues. I know we have differences of opinion. I respect all of them, but I am really disappointed today because we have not given the people of this country, the parents, the ability to help protect their kids.

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, first of all, I want to commend my friend from Indiana, Mr. BURTON, for his courageous fight on this amendment, as well as my friend, the gentleman from Massachusetts [Mr. MARKEY].

Mr. Speaker, the V-chip is based upon a very simple principle that it is the parents who should raise the children, not the Government, not the corporate executives, not the advertisers, not the network executives. It is the parents who are the people responsible for what their children see. It is the parents who should have a more powerful voice in the marketplace.

□ 1445

Now this is about the pictures and the images that shape our children's minds. This is about giving parents the tools they need to stop the garbage from flowing into our living rooms. By the time a child gets out of grade school, he will, she will, have seen 8,000 murders, over 100,000 acts of violence. This bill will help parents let Sesame Street in and keep the Texas Chain Saw Massacre out, and that is why over 90 percent of the American public support the idea of the V-chip.

Now this motion to recommit will allow a straight up-or-down vote on the Markey-Burton amendment on the V-chip, and that motion was denied by the passage of the Coburn amendment, and I know why the Coburn amendment passed, because it contained a lot of language that people support.

This is a graft on top of Coburn. It goes further, and it gives parents the control they need.

Mr. Speaker, I urge my colleagues to vote to give parental control over what goes into the minds and the hearts of our children.

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the cost of the chip is as little as 18 cents. For 18 cents on a television set we can give the parent back the control of some of the filth, and some of the smut, and some of the violence that is coming into the living room.

I urge my colleagues to support the motion.

Mr. MARKEY. I reclaim the balance of my time, Mr. Speaker, to make this final point:

We sell 25 million television sets a year in the United States. In 2 years there will be 25 million homes with a V-chip that costs 18 cents that every parent can use to protect their children. That is what a yes vote on recommittal means. My colleagues will still have the Coburn study, if they want it, but parents will have something out of this as well, the protection when they are not in the home, when they are not in the same room, to be able to block out the violence and sexual programming that their 3-, and 4-, and 5-, and 6-year-old little boys and girls should not be having access to, should not be in their minds.

Please vote ''yes'' on recommittal so that we can build the V-chip into this very important piece of legislation.

Mr. BLILEY. Mr. Speaker, this has been a good debate on this bill over 2 days. Before yielding to the gentleman from New York [Mr. PAXON] I would just like to take a few moments to thank our respective staffs for their hard work and tireless dedication. I would especially like to thank Catherine Reid, Michael Regan, Harold Furchgott-Roth and Mike O'Reilly of the majority; David Leach with Mr. DINGELL's staff; and Steve Cope of the Office of Legislative Counsel. The House should applaud their fine efforts in bringing this legislation forward.

Mr. Speaker, I yield to the gentleman from New York [Mr. PAXON] in opposition to this motion to recommit.

Mr. PAXON. Mr. Speaker, first, on behalf of the committee, I think both Republicans and Democrats, I would like to say a thank you, to the Members for their patience, for their good humor, for frankly staying awake during these final hours of this very long week. I have just three brief points to make:

No. 1, this House should be very proud. Today we have made history. For the first time in 61 years we are preparing to pass a telecommunication reform bill that is historic. My colleagues should be proud of this effort. It is, therefore, ludicrous to talk about recommitting a piece of history that we have just worked so hard to craft, and I know this House would not do this afternoon, recommit this important and historic piece of legislation, because it would mean there is no bill.

No. 2, there has been a lot of talk about this legislation. I just counted in the Markey amendment; it refers to the word ''ratings'' 12 different times. That point has been lost lately in this discussion. Ratings are contained in that measure 12 different times; that is contained in the motion to recommit.

My third point, my colleagues: It is time to go home.

Please vote ''no'' on the motion to recommit.

PARLIAMENTARY INQUIRIES

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SHAYS). The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. If the recommittal motion is approved, does that kill the bill?

The SPEAKER pro tempore. The question of passage would still be reached.

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. My purpose in making a parliamentary inquiry is to ask the Chair this question:

If the motion to recommit with instructions occurs, is it not a fact that the matter is immediately reported back to the House, at which time the vote then occurs on the legislation as amended by the motion to recommit with instructions?

The SPEAKER pro tempore. The appearance of the word ''forthwith'' in the instruction makes it so.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 199, not voting 11, as follows:

[Roll No. 634]

AYES—224

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burton
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cubin
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Frost
Funderburk
Furse
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Hunter
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
McCarthy
McDade
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pomeroy
Portman
Poshard
Rahall
Rangel
Reed
Rivers
Roemer
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOES—199

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Berman
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Gekas
Gilchrest
Goodling
Goss
Graham
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hutchinson
Inglis
Istook
Johnson, Sam
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Matsui
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pombo
Porter
Pryce
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Towns
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Zeliff
Zimmer

NOT VOTING—11

Andrews
Bateman
Moakley
Ortiz
Quillen
Quinn
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1509

The Clerk announced the following pair:

On this vote:

Mr. Quinn for, with Mr. Quillen against.

Mr. FLANAGAN changed his vote from ''nay'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. SHAYS). The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 1555, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 57 after line 21 insert the following new section:

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should following practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

''(v) PRESCRIBE.—

''(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

''(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.''.

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

''(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to

enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).''.

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

''(c)(1) except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

''(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

''(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

''(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

''(A) enables parents to block programming based on identifying programs without ratings,

''(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

''(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings, the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.''

(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking ''section 303(s), and section 303(u)'' and inserting in lieu thereof ''and sections 303(s), 303(u), and 303(w)''.

(e) APPLICABILITY AND EFFECTIVE DATES.—

(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) EFFECTIVE DATE OF MANUFACTURING PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on passage of the bill.

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

RECORDED VOTE

Mr. BLILEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 305, noes 117, not voting 12, as follows:

[Roll No. 635]

AYES—305

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fox
Franks (CT)
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Rahall
Ramstad
Rangel
Reed
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schumer
Seastrand
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Wynn
Young (FL)
Zeliff

NOES—117

Abercrombie
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bereuter
Berman
Borski
Brown (CA)
Bryant (TX)
Bunn
Bunning
Clayton
Coble
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
DeFazio
DeLauro
Dellums
Dixon
Doyle
Duncan
Durbin
Engel
Evans
Farr
Fattah
Fawell
Fields (LA)
Filner
Foglietta
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gejdenson
Gibbons
Gonzalez
Gutierrez
Hefley
Hilliard
Hinchey
Holden
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
LaFalce
Lantos
Leach
Levin
Lipinski
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McHale
McNulty
Meyers
Mfume
Miller (CA)
Minge
Mink
Moran
Murtha
Myers
Nadler
Oberstar
Obey
Pallone
Pelosi
Pomeroy
Poshard
Regula
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Schroeder
Scott
Sensenbrenner
Shays
Skaggs
Skelton
Slaughter
Stark
Stokes
Studds
Stupak
Thornton
Torres
Velazquez
Vento
Visclosky
Volkmer
Waters
Waxman
Wise
Woolsey
Yates
Zimmer

NOT VOTING—12

Andrews
Bateman
Deutsch
Moakley
Ortiz
Quillen
Quinn
Reynolds
Scarborough
Thurman
Williams
Young (AK)

□ 1527

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

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. 92. Concurrent Resolution providing for an adjournment of the two Houses.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 1555 the Clerk be authorized to make technical corrections and conforming changes to the bill, and to delete duplicative material.

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

There was no objection.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1555.

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

There was no objection.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, on rollcall 615 on Wednesday, the Greenwood amendment to H.R. 2127, the HHS appropriations bill, I thought I had voted aye. I notice in yesterday's RECORD I had voted no. That was in error. I want the Record to show I intended to vote aye.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1853

Ms. McKINNEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1853.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Georgia.

There was no objection.

□ 1530

SUBMISSION OF COMMITTEE ORDER FROM COMMITTEE ON HOUSE OVERSIGHT

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

Mr. THOMAS. Mr. Speaker, I submit a committee order from the Committee on House Oversight.

At the direction of the Committee on House Oversight, in accordance with the authority granted to the committee as reflected in 2 U.S.C. 57, the committee issued Committee Order No. 41 on August 3, 1995, which will become effective on September 1, 1995. Members will receive information describing this change through a dear colleague.

I include at this point in the RECORD the text of Committee Order No. 41.

Resolved, That (a) effective September 1, 1995, and subject to subsection (b), the Clerk Hire Allowance, the Official Expenses Allowance, and the Official Mail Allowance shall cease to exist and the functions formerly carried out under such allowances shall be carried out under a single allowance, to be known as the ''Members' Representational Allowance''.

(b) Under the Members' Representational Allowance, the amount that shall be available to a Member for franked mail with respect to a session of Congress shall be the amount allocated for that purpose by the Committee on House Oversight under paragraphs (1)(A) and (2)(B) of subsection (e) of section 311 of the Legislative Branch Appropriations Act, 1991, plus an amount equal to the amount permitted to be transferred to the former Official Mail Allowance under paragraph (3) of that subsection.

SEC. 2. The Committee on House Oversight shall have authority to prescribe regulations to carry out this resolution.

PERMISSION FOR COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES HAVE UNTIL FRIDAY, SEPTEMBER 1, 1995 TO FILE REPORT ON H.R. 1594, PLACING RESTRICTIONS ON DEPARTMENT OF LABOR INVESTMENTS WITH EMPLOYEE BENEFIT PLANS

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Economic and Educational Opportunities may have until noon on Friday, September 1, 1995, to file a report on H.R. 1594, a bill to place restrictions on the promotion by the Department of Labor of economically targeted investments in connection with employee benefit plans.

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

There was no objection.

REREFERRAL TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT OF H.R. 2077, GEORGE J. MITCHELL POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2077, be rereferred from the Committee on Transportation and Infrastructure to the Committee on Government Reform and Oversight.

I am informed, Mr. Speaker, there are no objections from the minority of the Committee to this referral.

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

There was no objection.

GEORGE J. MITCHELL POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from consideration of (H.R. 2077) to designate the U.S. Post Office building located at 33 College Avenue in Waterville, ME, as the ''George J. Mitchell Post Office Building,'' 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?

Miss COLLINS of Michigan. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from New York [Mr. MCHUGH], chairman of the Subcommittee on Postal Service, for the purpose of explaining the bill.

Mr. MCHUGH. Mr. Speaker, I would note that the bill is to designate the U.S. Post Office building located at 33 College Avenue in Waterville, ME as the George J. Mitchell Post Office Building.

Miss COLLINS of Michigan. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Maine [Mr. LONGLEY], the sponsor of H.R. 2077.

Mr. LONGLEY. Mr. Speaker, it is my pleasure to inform the House that the citizens of Waterville, ME have decided to name the post office in honor of former Senator George J. Mitchell of Maine. Senator Mitchell was elected to the Senate, appointed to the Senate in 1980, was elected in 1982 and, in 1988, was elected with the largest majority in the history of Maine's elections to the Senate.

But most importantly, he served as a distinguished Member of the other body and was well respected as majority leader, respected by Members and leadership of both parties. And it is my pleasure to speak in support of this and also to call attention to the fact that I believe my colleague, the gentleman from Maine [Mr. BALDACCI], a member of the other party, will also be addressing this House in a unique bipartisan support for this great measure in honor of the service of George Mitchell to the citizens of Maine and the United States.

Miss COLLINS of Michigan. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Maine [Mr. BALDACCI] the cosponsor of H.R. 2077.

Mr. BALDACCI. Mr. Speaker, I am pleased to rise in support of this legislation which will properly recognize one of Maine's, and indeed the Nation's most distinguished public servants.

Senator George Mitchell has dedicated the better part of his adult life to public service. From serving in the Army, to being a Federal judge, to representing the people of Maine in the U.S. Senate. In every position, he was known for being fair, thoughtful and articulate.

George Mitchell has been a mentor to me. We can all learn from the way he conducted himself. I am pleased that we are taking action today to name the post office in his home town of Waterville the George J. Mitchell Federal Building. It is a fitting tribute to a man who is the source of tremendous pride for the people of Waterville, of Maine and of the Nation.

Ms. PELOSI. Mr. Speaker, I rise in support of the motion to name the post office in Waterville, ME in honor of former Majority Leader George Mitchell.

Senator Mitchell's legacy is an outstanding one, marked by his great intellect and strong principles. Future generations will benefit from his distinguished service to our country. It is fitting that the citizens of his hometown have a daily reminder of his greatness.

He has always spoken with pride of Waterville, ME, and now the Congress recognizes that strong tie. By honoring George Mitchell, this Congress honors one of its greatest leaders.

Miss COLLINS of Michigan. Mr. Speaker, 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.

The Clerk read the bill, as follows:

H.R. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GEORGE J. MITCHELL POST OFFICE BUILDING.

The United States Post Office building located at 33 College Avenue in Waterville, Maine, shall be known and designated as the ''George J. Mitchell Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''George J. Mitchell Post Office Building''.

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. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 2077.

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

There was no objection.

TRIBUTES TO LENNY DONNELLY AND KEITH JEWELL

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

Mr. HOYER. Mr. Speaker, I rise on behalf of myself, the gentleman from Missouri [Mr. GEPHARDT], the majority leader, the gentleman from Michigan [Mr. BONIOR], the minority whip, the gentleman from California [Mr. FAZIO], the Chairman of the Democratic Caucus and the gentlewoman from Connecticut [Mrs. KENNELLY], the vice chair of the Democratic Caucus, and all the leadership and members of the Democratic Caucus to note that today will be the last day of service for one of the beloved individuals of this House.

I ask my colleagues this day to join me in bidding farewell to a woman who has been a fixture on the floor of this House and who has helped over 2,000 young people mature into active participants in the democratic process of this great Nation.

Mr. Speaker, today is the last day on Capitol Hill for Lenore Donnelly who has served as the Chief of Democratic Pages since 1985. She sits right behind me on the floor.

Mr. Speaker, Lenny first came to Washington to work for Senator John F. Kennedy's Presidential campaign in 1959. She later became a member of his White House staff and remained at the White House during the administration of President Johnson at President Johnson's request.

She worked for Senator Robert Kennedy as well. Lenny later became the Deputy Chief of the U.S. Capitol Guide Service and was appointed to Chief of the Democratic Pages by one of our most famous and beloved Speakers, Thomas P. ''Tip'' O'Neill.

All of us who have worked with Lenny know her to be a woman of uncommon grace, uncommon grace under pressure, and uncommon grace in the best of times. She is a person who truly loves this institution and reflects that in her actions and in her words.

She has passed on that commitment to her Nation and to the House of Representatives, and, probably more importantly, to the thousands of Pages who have come here and under her guidance have flourished for the past 10 years.

I know that one day, Mr. Speaker, a future Member of this House will serve here who was a page under Lenny Donnelly and, yes, maybe far more than one. The House and indeed the Nation will be a better place because that Member will carry with him the inspiration and the knowledge and the wisdom and the love of this institution imparted to him or to her by Lenny Donnelly.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. BONIOR] my friend, the Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for giving me the opportunity to express my best wishes to some very wonderful people.

Mr. Speaker, we have come to the end of a long and exhausting 7-month schedule.

I think all of us are looking forward to going back home and spending some time with our family and friends.

But before we go, I wanted to rise today to pay tribute to the people you don't see in front of the C–SPAN cameras. I want to pay tribute to the men and women who work hard in this House every day.

Over the past 8 months, we've debated a lot of different bills on this floor.

Time and again, we've heard speaker after speaker remind us that government isn't just about programs or policy. It's about people.

Well, the same goes for this House.

In the 20 years I have been privileged to serve in this body, I have had the great pleasure of knowing some of the best, most decent people you'd ever want to meet.

These people who believe in this institution, who care about this House, and who work hard day in and day out to serve the American people.

Many of them spend long hours away from their families. Many of them are forced to order too many late-night pizzas.

And I regret to say—many of them have not gotten the respect they deserve in recent days.

But to the pages and the staff and the clerical workers and carpenters and everybody else who makes this House run—and especially to my staff—I want to say thank you.

The work you're doing is making a difference, for this House and for this Nation. And never let anybody convince you otherwise.

Mr. Speaker, there are hundreds of people I could mention by name—and I wish I had the time to do it here today. But I want to take a moment to mention just two of them, two people who are saying goodbye to this House after many years of dedicated service.

Mr. Speaker, in all my time in this House, I have not met a nicer, kinder, friendlier person than Lenny Donnelly.

For the past 10 years, Lenny has been a fixture in this Chamber. Since 1985, she's run the Democratic page program here in the House.

She'll proudly tell you that before she ever came to the House she worked for the Kennedy White House.

But if you've ever wondered how a group of 15- and 16-year-old pages can travel hundreds of miles from their families, and away from their friends, to a strange city, and be made to feel like they're right at home: Lenny Donnelly is the reason.

She doesn't have any special secrets. She just treats the pages like people.

She takes an interest in their lives; she listens to their problems; she makes them proud of their accomplishments; and by believing in them, she helps them believe in themselves.

Mr. Speaker, the pages who are lucky enough to serve in this body will remember a lot of things about Washington. But when people ask them what they'll remember the most—my guess is that they'll say ''Lenny Donnelly.''

Lenny, the young people you have taught—and the lessons you have taught them—will survive long after you're gone from this Chamber. And that's something to be proud of.

Mr. Speaker, another good friend leaving us this week after years of dedicated service is one of the hardest working people on Capitol Hill, a sweet and decent man named Keith Jewell.

For the past 30 years, Keith has seen and heard it all on Capitol Hill.

As the House photographer his eye has been the eye of the Nation.

During his tenure, Keith has served under six Speakers. He was the first photographer to capture a still image of a joint session of Congress.

He photographed seven American Presidents. And as director of the Office of photography, he has coordinated more than 19,000 appointments each year—from the Queen of England right down to children on their first visit to the Nation's Capitol.

And through it all he's remained the same patient, friendly man he's always been.

Keith, you've made a lot of us look good over the years—even on the most hectic days.

We're all going to miss the sight of you racing around this building carrying four or five cameras, with straps hanging around your neck, and that camera bag at your side.

But someday, when there is nobody left to remember the sound of the voices in this Chamber today, America will still look back on the images you have captured with your camera and they're going to remember—as will we all.

Mr. Speaker, this is a sad week for all of us.

All of us are proud to have worked with Lenny and Keith—and proud to call them friends.

And even though we're all going to miss them. I promise you this: We're never going to forget them.

Mr. HOYER. Mr. Speaker, I would add, before a final statement for Lenny, Keith Jewell is one of the finest people with whom of us have had the opportunity to work. It is a shame he is leaving. I am not going to discuss further the fact of why he has decided to leave, but I want to say that this House will be a lesser place for his loss.

He and Lenny Donnelly have brought a true commitment to this institution, not just to us as individuals, not just to the pages and the Members, but to all of the people who have come in contact with this institution.

The page system, I think, Mr. Speaker, is a uniquely important part of this institution. It allows young people to come from throughout the United States, spend some time not just in the Capital of their Nation but in the people's House, seeing day to day the operations of democracy, seeing, frankly, firsthand that the Members here on both sides of the aisle, liberals, conservatives, moderates, independent, work hard and care about their country, care about their oath of office.

□ 1545

Mr. Speaker, I think they carry back with them a special insight that they then impart to their peers who, I think, have a little better respect for their democracy, for the education that they recevied from our pages.

Lenny Donnelly, Peggy, others who on a day-to-day basis deal with our pages, perform a great service for this institution, but, in a broader sense, a great service for our democracy.

Lenny, we will miss you. We know that you and Ray are about, in a few short days, to travel to Ireland. Now, I do not know that a Donnelly will be very excited about going to Ireland, but I have a suspicion that that is probably the case and I am sure they will welcome you there.

We look forward to your swift and safe return as we welcome you with open arms and deep gratitude every time you return. Good luck and Godspeed.

Mr. SPEAKER pro tempore (Mr. SHAYS). I thank the gentleman and thank all people who work for this wonderful Chamber.

DISTRICT OF COLUMBIA CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT OF 1995

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to call up the bill (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, 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, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Ms. NORTON. Mr. Speaker, reserving the right to object, under my reservation, I ask the chairman of the Subcommittee on the District of Columbia to explain the bill.

Mr. DAVIS. Mr. Speaker, if the gentlewoman will yield, H.R. 2108 is a straightforward bill which allows the District of Columbia to move forward on two very important economic development projects—the MCI arena at Gallery Place and a new convention center.

These projects will provide thousands of jobs of the type most needed in the District of Columbia and hundreds of millions of dollars in economic activity and tax revenues for our Nation's Capital.

This bill is very narrowly crafted and specifically directs each item for which expenditures may be made. Also, the independent nature of both the Washington Convention Center Authority and the Redevelopment Land Agency, which is the lead agency on the arena project, mean that the power and influence of the Mayor and the Council are sharply curtailed and less than would have been the case if these projects had proceeded without this legislation. I want Members to know that the entities directing these projects are independent of the Mayor and have both the legal and fiduciary responsibility for their actions.

This legislation does not create or raise taxes in the District of Columbia. The funds authorized to be expended by this legislation are already being collected and deposited in an escrow account. Last year the Council passed dedicated tax sources for these economic development projects and directed the funds into escrow accounts. The moneys involved are not part of the District's general fund, could not be spent for any other purpose, and this spending will not increase the District's deficit.

Under the narrow focus of this legislation and considering the economic benefits for the District of Columbia and the entire National Capital region from these projects, I ask Members to support H.R. 2108.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Virginia [Mr. DAVIS] for his explanation.

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

Mr. GUTKNECHT. Mr. Speaker, I would like to say a special thank you and tribute to both the gentleman from Virginia [Mr. DAVIS] and the gentlewoman from the District of Columbia [Ms. NORTON] because they have worked very hard on this legislation.

Mr. Speaker, I was one of the few Members of the Congress who got a chance, 2 weeks ago, to take a tour of the areas where these two facilities are going to be built. I also want to say a special tribute to the business community, because I think they have all pulled together on this, and particularly to the Pollin family.

Mr. Speaker, I would say to my fellow Members, and particularly any of those on this side of the aisle, this city essentially has two industries. One is Government, the other is tourism and the hospitality industry. I did not know, until I took that tour, that actually the hospitality industry is the largest employer here in the District of Columbia.

While those of us on this side of the aisle are doing our best to reduce the size of the Federal Government, I think we have some responsibility to do what we can to increase the size of that other industry. So, Mr. Speaker, I strongly support this legislation.

Mr. Speaker, I again congratulate the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from Virginia [Mr. DAVIS], and the business community for working together. I think these are going to be projects that will be a tremendous attraction for the people of Washington, DC, and for people all over the United States of America. I think they are going to be a giant step forward in terms of rebuilding the economic infrastructure here in the District.

Mr. Speaker, I hope everyone joins me in supporting H.R. 2108.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his strong support and his work in the committee on this and other bills for the District.

Mr. Speaker, further reserving the right to object, we are bringing to this House a bipartisan bill that has the unanimous support of the Subcommittee on the District of Columbia and that will significantly increase the revenue of the District entirely from private resources.

H.R. 2108, the District of Columbia Convention Center and Sports Arena Authorization Act of 1995, allows for the release of dedicated tax funds that are not part of the District's general fund revenues for preliminary work for a new convention center, and the lands acquisition and site cleanup for a new sports arena.

This bill is here today only because the projects themselves will be financed largely by private parties and businesses. If the financial crisis of the District of Columbia is to be cured, and not merely temporarily stayed, it will take financial ventures such as these to grow the city's economy and create new opportunities for residents and businesses.

Mr. Speaker, I want to once again express my thanks to the gentleman from Virginia [Mr. DAVIS], chairman of the Subcommittee on the District of Columbia, for his collegial and expeditious consideration of my bill and to the gentleman from Pennsylvania [Mr. CLINGER], chairman of the Committee on Government Reform and Oversight for the same. Their efforts show how much can be accomplished when Members reach out in genuine bipartisan resolve to solve problems. Thank you very much.

Mrs. COLLINS of Illinois. Mr. Speaker, I am delighted that the D.C. Subcommittee's ranking member, ELEANOR HOLMES NORTON, and the subcommittee's chairman, TOM DAVIS have worked together in a bipartisan manner to develop H.R. 2108, a bill which would enable District government to spend its own locally raised revenues for the preconstruction work essential to move the District of Columbia's proposed new sports arena and convention center projects forward.

The arena and convention center are indispensable to the economic revitalization of the Nation's Capital. Together they hold the potential to create hundreds of jobs and bring millions of dollars of badly needed revenue to this city. They will also generate many spinoff business opportunities that will also contribute to the District's recovery.

Particularly noteworthy about these two projects is the public/private partnership which brought them about. In each case, the local business community gave its support to the imposition of special taxes which its members will pay to fund land acquisition and preconstruction activities. It is also significant that the new sports arena will be built entirely with private funds by the owner of the District's professional basketball and hockey teams.

Investments such as these, made during a period when the District is experiencing severe financial distress, are strong indications that this city does have a promising future.

Mr. Speaker, I urge the approval of this legislation.

Mr. Speaker, I withdraw my reservation of objection, and ask all Members to support H.R. 2108.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''District of Columbia Convention Center and Sports Arena Authorization Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONVENTION CENTER

Sec. 101. Permitting Washington Convention Center Authority to spend revenues for convention center activities.

TITLE II—SPORTS ARENA

Sec. 201. Permitting designated authority to borrow funds for preconstruction activities relating to Gallery Place sports arena.

Sec. 202. Permitting certain District revenues to be pledged as security for borrowing.

Sec. 203. No appropriation necessary for arena preconstruction activities.

Sec. 204. Arena preconstruction activities described.

TITLE III—WAIVER OF CONGRESSIONAL REVIEW

Sec. 301. Waiver of Congressional review of Arena Tax Payment and Use Amendment Act of 1995.

TITLE I—CONVENTION CENTER

SEC. 101. PERMITTING WASHINGTON CONVENTION CENTER AUTHORITY TO EXPAND REVENUES FOR CONVENTION CENTER ACTIVITIES.

(a) PERMITTING EXPENDITURE WITHOUT APPROPRIATION.—The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–304, D.C. Code) shall not apply with respect to any revenues of the District of Columbia which are attributable to the enactment of title III of the Washington Convention Center Authority Act of 1994 (D.C. Law 10–188) and which are obligated or expended for the activities described in subsection (b).

(b) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(1) the operation and maintenance of the existing Washington Convention Center; and

(2) preconstruction activities with respect to a new convention center in the District of Columbia, including land acquisition and the conducting of environmental impact studies, architecture and design studies, surveys, and site acquisition.

TITLE II—SPORTS ARENA

SEC. 201. PERMITTING DESIGNATED AUTHORITY TO BORROW FUNDS FOR PRECONSTRUCTION ACTIVITIES RELATING TO GALLERY PLACE SPORTS ARENA.

(a) PERMITTING BORROWING.—

(1) IN GENERAL.—The designated authority may borrow funds through the issuance of revenue bonds, notes, or other obligations which are secured by revenues pledged in accordance with paragraph (2) to finance, refinance, or reimburse the costs of arena preconstruction activities described in section 204 if the designated authority is granted the authority to borrow funds for such purposes by the District of Columbia government.

(2) REVENUE REQUIRED TO SECURE BORROWING.—The designated authority may borrow funds under paragraph (1) to finance, refinance, or reimburse the costs of arena preconstruction activities described in section 204 only if such borrowing is secured (in whole or in part) by the pledge of revenues of the District of Columbia which are attributable to the sports arena tax imposed as a result of the enactment of D.C. Law 10–128 (as amended by the Arena Tax Amendment Act of 1994 (D.C. Act 10–315)) and which are transferred by the Mayor of the District of Columbia to the designated authority pursuant to section 302(a–1)(3) of the Omnibus Budget Support Act of 1994 (sec. 47–2752(a–1)(3), D.C. Code) (as amended by section 2(b) of the Arena Tax Payment and Use Amendment Act of 1995).

(b) TREATMENT OF DEBT CREATED.—Any debt created pursuant to subsection (a) shall not—

(1) be considered general obligation debt of the District of Columbia for any purpose, including the limitation on the annual aggregate limit on debt of the District of Columbia under section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–313(b), D.C. Code);

(2) constitute the lending of the public credit for private undertakings for purposes of section 602(a)(2) of such Act (sec. 1–233(a)(2), D.C. Code); or

(3) be a pledge of or involve the full faith and credit of the District of Columbia.

(c) DESIGNATED AUTHORITY DEFINED.—The term ''designated authority'' means the Redevelopment Land Agency or such other District of Columbia government agency or instrumentality designated by the Mayor of the District of Columbia for purposes of carrying out any arena preconstruction activities.

SEC. 202. PERMITTING CERTAIN DISTRICT REVENUES TO BE PLEDGED AS SECURITY FOR BORROWING.

(a) IN GENERAL.—The District of Columbia (including the designated authority described in section 201(c)) may pledge as security for any borrowing undertaken pursuant to section 201(a) any revenues of the District of Columbia which are attributable to the sports arena tax imposed as a result of the enactment of D.C. Act 10–128 (as amended by the Arena Tax Amendment Act of 1994 (D.C. Law 10–315)), upon the transfer of such revenues by the Mayor of the District of Columbia to the designated authority pursuant to section 302(a–1)(3) of the Omnibus Budget Support Act of 1994 (sec. 47–2752(a–1)(3), D.C. Code) (as amended by section 2(b) of the Arena Tax Payment and Use Amendment Act of 1995).

(b) EXCLUSION OF PLEDGED REVENUES FROM CALCULATION OF ANNUAL AGGREGATE LIMIT OF DEBT.—Any revenues pledged as security by the District of Columbia pursuant to subsection (a) shall be excluded from the determination of the dollar amount equivalent to 14 percent of District revenues under section 603(b)(3)(A) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–313(b)(3)(A), D.C. Code).

SEC. 203. NO APPROPRIATION NECESSARY FOR ARENA PRECONSTRUCTION ACTIVITIES.

The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47–304, D.C. Code) shall not apply with respect to any of the following obligations or expenditures:

(1) Borrowing conducted pursuant to section 201(a).

(2) The pledging of revenues as security for such borrowing pursuant to section 202(a).

(3) The payment of principal, interest, premium, debt servicing, contributions to reserves, or other costs associated with such borrowing.

(4) Other obligations or expenditures made to carry out any arena preconstruction activity described in section 204.

SEC. 204. ARENA PRECONSTRUCTION ACTIVITIES DESCRIBED.

The arena preconstruction activities described in this section are as follows:

(1) The acquisition of real property (or rights in real property) to serve as the site of the sports arena and related facilities.

(2) The clearance, preparation, grading, and development of the site of the sports arena and related facilities, including the demolition of existing buildings.

(3) The provision of sewer, water, and other utility facilities and infrastructure related to the sports arena.

(4) The financing of a Metrorail connection to the site and other Metrorail modifications related to the sports arena.

(5) The relocation of employees and facilities of the District of Columbia government displaced by the construction of the sports arena and related facilities.

(6) The use of environmental, legal, and consulting services (including services to obtain regulatory approvals) for the construction of the sports arena.

(7) The financing of administrative and transaction costs incurred in borrowing funds pursuant to section 201(a), including costs incurred in connection with the issuance, sale, and delivery of bonds, notes, or other obligations.

(8) The financing of other activities of the District of Columbia government associated with the development and construction of the sports arena, including the reimbursement of the District of Columbia government or others for costs incurred prior to the date of the enactment of this Act which were related to the sports arena, so long as the designated authority determines that such costs are adequately documented and that the incurring of such costs was reasonable.

TITLE III—WAIVER OF CONGRESSIONAL REVIEW

SEC. 3O1. WAIVER OF CONGRESSIONAL REVIEW OF ARENA TAX PAYMENT AND USE AMENDMENT ACT OF 1995.

Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, the Arena Tax Payment and Use Amendment Act of 1995 (D.C. Act 11–115) shall take effect on the date of the enactment of this Act.

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

GENERAL LEAVE

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material thereon on H.R. 2108.

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

There was no objection.

AUTHORIZING SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 6, 1995, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 6, 1995

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 6, 1995.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD THROUGH FRIDAY, AUGUST 4, 1995

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that for the legislative days of Wednesday, August 2, Thursday, August 3, and Friday, August 4, 1995, all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled ''Extension of Remarks.''

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

There was no objection.

DESIGNATION OF HON. THOMAS M. DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 6, 1995

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

WASHINGTON, DC,
August 4, 1995.

I hereby designate the Honorable THOMAS M. DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6, 1995.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

PROPOSED AGREEMENT BETWEEN GOVERNMENT OF THE UNITED STATES AND GOVERNMENT OF REPUBLIC OF BULGARIA FOR COOPERATION IN PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–108)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Republic of Bulgaria for Cooperation in the Field of Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum

submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with the Republic of Bulgaria has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. It provides a comprehensive framework for peaceful nuclear cooperation between the United States and Bulgaria under appropriate conditions and controls reflecting our strong common commitment to nuclear non-proliferation goals.

Bulgaria has consistently supported international efforts to prevent the spread of nuclear weapons. It was an original signatory of the Non-Proliferation Treaty (NPT) and has strongly supported the Treaty. As a subscriber to the Nuclear Supplier Group (NSG) Guidelines, it is committed to implementing a responsible nuclear export policy. It played a constructive role in the NSG effort to develop additional guidelines for the export of nuclear-related dual-use commodities. In 1990 it initiated a policy of requiring full-scope International Atomic Energy Agency (IAEA) safeguards as a condition of significant new nuclear supply to other nonnuclear weapon states.

I believe that peaceful nuclear cooperation with Bulgaria under the proposed agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Eastern Europe. Cooperation under the agreement will also provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House Foreign Affairs Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 4, 1995.*

REPORT ON NATION'S ENERGY POLICY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

Throughout this century, energy has played a prominent role in American progress. The rise of the great industrial enterprises, the ascendance of the automobile, the emergence of environmental awareness, and the advent of the truly global economy all relate to the way that society produces and uses energy. As we face the opportunities and challenges of the next century, energy will continue to exert a powerful influence on our Nation's prosperity, security, and environment.

Energy policies that promote efficiency, domestic energy production, scientific and technological advances, and American exports help sustain a strong domestic economy. The need to protect the environment motivates our continual search for more innovative, economic, and clean ways to produce and use energy. And although oil crises have receded into memory, their potential for harming our economy and national security remains.

Our Administration has actively pursued a national energy policy since January 1993. We have engaged in an active dialogue with thousands of individuals, companies, and organizations. Informed by that dialogue, we have committed the resources of the Department of Energy and other agencies to ensure that our policy benefits energy consumers, producers, the environment, and the average citizen.

This report to the Congress, required by section 801 of the Department of Energy Organization Act, highlights our Nation's energy policy. The report underscores our commitment to implement a sustainable energy strategy—one that meets the needs of today while expanding the opportunities for America's future. By implementing a sustainable strategy, our energy policy will provide clean and secure energy for a competitive economy into the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 4, 1995.*

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE BUDGET, 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight.

To the Congress of the United States:

In accordance with section 106(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, I am transmitting the District of Columbia Financial Responsibility and Management Assistance Authority's operating budget for FY 1996.

The Authority's request for its FY 1996 operating budget is $3.5 million. This budget was developed based on an estimated staffing level of 35 full-time employees. After reviewing the budgets and staffing levels of other control boards, the Authority believes this staffing level is the minimum necessary to carry out its wide range of fiscal, management, and legal responsibilities.

This transmittal does not represent an endorsement of the budget's contents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 4, 1995.*

WOMEN'S SUFFRAGE AMENDMENT

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

Mrs. SEASTRAND. Mr. Speaker, as one of the seven new Republican women elected to this House as part of the ''Year of the Republican Woman,'' I come to the floor today to tell the untold story about women's rights.

This month marks the 75th anniversary of women's suffrage. August 26, 1920, was the date that American women first obtained the right to vote in our country. And it took a Republican Congress to pass the Equal Suffrage amendment. After being killed four times in a Democratic-controlled Congress, the Republicans passed the amendment and sent it to be ratified by 36 States.

The Republican party was the first major party to advocate equal rights for women and the principle of equal pay for equal work. This party supported the suffrage amendment throughout its long and ultimately successful campaign.

The Republican party is committed to equal opportunity and we are committed to women's rights. Mr. Speaker, this party is pro-woman.

MEDICARE

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

Mr. PALLONE. Mr. Speaker, the Republican Congress has put forward a budget blueprint to cut Medicare by $270 billion, but have yet to illustrate how they are going to slash this program.

Many constituents have written me expressing grave concern about the largest cuts in Medicare history and have asked how they will affect them. Unfortunately, I do not have definite answers to my constituents' concerns.

My fear is that the Republicans are going to rush Medicare changes through the House of Representatives in September within a matter of days and attempt to force a vote on this issue before the American public has an opportunity to examine how these cuts will impact them.

This is not the proper way to run Government or be honest with the American public.

If the Republicans truly wanted to improve Medicare, then they wouldn't start by just cutting money from the program.

They are making their cuts on the backs of senior citizens and threatening the Medicare Contract With America's Seniors.

Mr. Speaker, I also want to express my concern over the House action earlier this week to reverse the Stokes-Boehlert amendment to the VA, HUD, and Independent Agencies appropriations bill.

The supporters of this amendment were trying to prevent a package of measures limiting the EPA's ability to improve, implement, and enforce environmental regulations.

These curbs on the EPA's ability to enforce air and water quality standards are now unfortunately back in the bill which passed the House on Monday. They limit EPA's ability to spend funds on activities related to the Clean Water Act, the Clean Air Act, RCRA, and Superfund—they even prevent the EPA from establishing drinking water standards for radon and arsenic—both known carcinogens.

These provisions are terrible in terms of the effects they will have on the environment.

One provision in particular prohibits EPA from using funds to assess any penalty where the state gives the polluter immunity from prosecution because the polluter voluntarily conducts an environmental audit.

I think most people in America would agree that no corporation should be able to pollute without paying the price.

Yet, the language that is included in this bill prevents EPA from assessing a penalty whether or not a state takes any action against a violator. In essence, the polluter is immune from an EPA assessed penalty whether they correct their violation or not.

The self-audit privilege in this bill does nothing to help the good guys—those businesses and individuals that are trying to comply with the law—while it can easily serve as a shield to hide behind for conscious yet continuing violators.

The result will be that those who are working to be in compliance with the law now will still work toward that end, while those who choose to violate the law will have an out from penalization.

The bill already cuts EPA's enforcement budget in half. This and other provisions only serve to tie the agency's hands further by compromising its ability to enforce environmental regulations.

It is the enforcement of these regulations that have increased the quality of the water we drink and fish and swim in and the quality of the air we breath. Without enforcement, the statutes we have on the books become hollow.

If it wasn't offensive enough that these provisions were in the bill to begin with, it is even more offensive that after the environmental victory of voting them out, this body voted to put them back into the bill again.

REPUBLICAN MEDICARE SPENDING REDUCTIONS

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

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express deep concern about proposed Republican Medicare spending cuts.

All the evidence—an increasing Medicare-aged population, extended life expectancies, and inflation—points to Medicare costs rising 7.7 percent per year. Yet, the Republicans are budgeting for only a 5.8 percent per year Medicare growth rate. Holding the Medicare growth rate to 5.8 percent ignores the fact that the percentage of older and less healthy Medicare recipients is increasing. Since 1966, the percentage of Medicare recipients in the various age groups has undergone the following changes:

[In percent]

Age group	1965	Present
85 and older	7	11
80–84	10	13
75–79	20	20
70–74	28	26
65–69	34	30

The resulting gap between Medicare funding and Medicare costs will reduce the scope and quality of medical care provided. There is no other way.

The Republican budget does little to contain rising medical costs. Instead, it simply cuts the amount of Federal Government will have to pay to cover these costs. By ensuring that Medicare beneficiaries will have fewer benefits, the Republicans will undo much of what Medicare has accomplished over the past 30 years. These accomplishments are astounding, and include:

(A) Dropping the poverty rate among seniors from 30 percent to just 12 percent;

(B) Increasing the rate of health care coverage for seniors from 50 percent to 97 percent;

(C) Extending health care coverage to seniors most in need as evidenced by the fact that 83 percent of Medicare recipients earn less than $25,000;

(D) Increasing access to health care for minorities by ending the pre-Medicare practice of certain hospitals and nursing homes of denying treatment to minorities;

(E) Reducing the rate of heart- and stroke-related deaths by 40 percent and 63 percent, respectively, between 1960 and 1991; and

(F) Extending life expectancies for women who live to 65 from 16 to 19 years and for men who live to 65 from 13 years to 16 years since 1965.

Republicans argue that they are saving—not dismantling—Medicare. They say Medicare spending must be reduced drastically. They cite the recent Medicare trustees report which indicates that the Medicare trust fund may be broke in 2002. What the Republicans don't say is that every Medicare trustees report has predicted the trust fund's impending insolvency. The 1970 report predicted insolvency in 1972, the 1972 report picked 1976, the 1982 report said 1987, an so on. Congress acted to avoid the impending insolvency following the release of those reports. And, each time Congress acted, it did not have to cut back on Medicare benefits to the elderly. Furthermore, the recent trustees report advises that the financial standing of the Medicare trust fund could cover a wider span of years. In other words, the trustees report states that the trust fund could become insolvent in 2002—in 7 years—or in the year 2006—in 11 years—or 2009—in 14 years. Given that the recent Medicare trustees report predicts trust fund's insolvency in different years and the fact that the dire consequences of insolvency predicted in earlier trustees report have not occurred, I believe the Republican use of the recent Medicare trustees report is both exploitative and unjustified. The report has been used by Republicans who had to find some way to pay for their tax cuts that will, in large part, benefit mainly the Nation's top 1 percent of income earners. There is little doubt that the Republicans are slashing Medicare spending by $270 billion solely to pay for their $245 billion tax cut. If the Republicans' objective was to improve Medicare's financial condition, they would be proposing much smaller Medicare spending reductions, and recommending instead cost containment proposals.

I respectfully submit that if the Republicans are truly serious about saving Medicare, their budget plan would seek to contain rising medical medical costs rather than just hold down what the Federal Government will pay for such costs. The proposed Republican Medicare spending reductions of $270 billion is difficult to comprehend and impossible to justify.

The American public must not be fooled into thinking that these cuts are necessary to save Medicare from insolvency. These monstrous cuts are solely to pay for the Republican tax cuts.

It must not be allowed to happen.

QUESTIONS REGARDING THE SECRETARY OF ENERGY'S TRAVEL

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

Mr. HOKE. Mr. Speaker, I think that you are aware that as the Chairman of the Committee on the Budget Working Group on National Security, I have spent a great deal of time with respect to the Department of Energy and examining the needs and missions of the Department of Energy and making a full investigation into what is going on there.

As a result of that, it has been called to my attention, and I have found out a great deal about certain travel habits of the Secretary of Energy from the perspective of the monies that have been transferred from the accounts in the programs that safeguard nuclear energy and nuclear weapons, away from those programs and into the travel accounts.

I wanted, today, to talk about a different problem that has been brought to my attention with respect to the travel. The Secretary has justified these trips, among other reasons, for the benefit that they have brought to American companies that have been able to generate a great deal of commercial transactions as a result.

In fact, the Secretary has made claims of about $20 billion with respect to the amount of transactions that have been entered into as a result of her travels.

□ 1600

In fact, it has not been brought to my attention that there have been any more than about $400,000 or $500,000 of actual committed contracts; and what I wanted to talk about today was the cancellation of the Enron contract, which I believe can be tried directly to the Secretary's involvement.

In other words, what I am saying is that not only has the Secretary of Energy not been able to catalyze these contracts, but in this case, has actually damaged the relationship between the United States and India to the extent that the Enron contract has been canceled.

Mr. Speaker, today there was a Washington Times article about the cancellation of what is nearly a $2.8 billion power plant project at Dabhoi in Maharashtra, India. That is the state of which Bombay is the capital. This is where the Enron deal has been taking place.

They are building a nuclear plant there. It involves the Enron Corp., the U.S. corporation, General Electric, and Bechtel. This is a deal that had a great deal of support from OPIC and from the Export-Import Bank, and it has been the target of intense criticism by nationalists in India.

Nonetheless, President Clinton felt that it was necessary to sanction two trade missions to India, led by Secretary O'Leary, in July 1994 and then in February 1995, trips that served to raise the profile of the already controversial Enron deal.

In the wake of the February trade mission, the Maharashtra state government was defeated by a nationalist coalition that ran on its distinctly anti-American platform with particular venom reserved for the Enron deal.

Nevertheless, the new state government and Maharashtra did not immediately terminate the Enron deal. That came only very, very recently, in the last 3 days, after Secretary O'Leary very unwisely threatened the Indian Government, without Clinton administration approval, by stating that, ''The failure to honor the agreements between the project partners and the various Indian governments will jeopardize not only the Dabhoi project, but also the other private power projects that are being proposed for international financing.''

It has been widely reported in the Indian press that as a result of that, this blatant intimidation tactic on the part of Secretary O'Leary inflamed the national sentiments in this state of India during what was already a very, very tough and sensitive process in terms of trying to save this deal. Then the governments of Dabhoi and Maharashtra canceled this.

I want to share with my colleagues just two thoughts about this, because I think it is important to understand that the conducting of this trade mission has not only been an expensive boondoggle serving the Secretary's wanderlust, but in this case, the intimidating and blatant threats have actually killed the deal.

I want to show my colleagues that this is something that the Secretary sent to all of the people that were on the trade mission in February. It says, ''A Mission to India.'' It is an alternative view by Carl Stoiber. Carl Stoiber is the director of international programs for the Nuclear Regulatory Commission. This was produced and distributed out of Secretary O'Leary's office.

As can be seen, there is a one cartoon, she says, ''Yes, the Air Force runs a really great flying cocktail lounge.'' Here is another one, ''Let's make sure we stop in Shannon on the return flight.'' They did, in fact, stop in Shannon.

The last one I want to show, and we can understand how perhaps the Indian Government might take some offense, there is a can of milk; it says, ''not concentrated milk.'' It says, ''simmered milk,'' and then it has a picture of a cow and it says ''with cow dung patties.''

This was distributed by the Secretary of Energy and sent out from her office. I think it is time that we had a full-scale investigation of the travel office and the travels of the Secretary of Energy.

KOREAN WAR MEMORIAL

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

Mr. DORNAN. Mr. Speaker, with all the rush of events, before we take a long 5-week break, I wanted to mention what will be one of my greatest memories serving in Washington, and that was the dedication a few days ago of the Korean War Memorial.

It was absolutely an inspiring day. Veterans of the Korean conflict came from all over the country, some from around the world, to be part of this memorial ceremony. Most of them were a bit hurt that it was not a Ronald Reagan or someone like that to officiate as the Commander in Chief.

They felt the speech that Mr. Clinton delivered could have been the very same speech with the word ''Vietnam'' transposed instead of the word ''Korea.'' They are both small Asian countries, almost the same identical population, both divided as a fallout of World War II and the end of colonialism, whether it was French colonialism or Japanese imperial warlord colonialism.

One had a DMZ on either side of the 30th parallel; the other had a DMZ on either side of the 17th parallel. As we look across the reflecting ponds from this uplifting Korean War Memorial, we think how sad the struggle was, the birth pangs of the Vietnam Memorial which came chronologically, in a strange way ahead of the Korean Memorial. One can see that, by design, the Korean Memorial was to elicit not a feeling of inspiration, which turned out to be true the minute the first hero's name was etched into the black marble, but somehow or another was supposedly to evoke shame, a black gash in the ground the way it was described by its 21-year-old young architect.

No American flag was ever to be on top, in front of or at either end of that memorial.

I was in pilot training when the Korean War mercifully came to an end after two years and thousands of deaths while they argued over a negotiating table, the same way the Vietnam War dragged on for two or three years from 1968, 1969, 1970, 1971, 1972, 1973, all over arguments, in the same city, Paris basically, P'anmunjom, Paris, the same type of communist negotiators, never negotiating in good faith. It was tragic.

Those of us who were veterans, in the House fought to get a flag at the Vietnam Memorial, and they made us take it off the top, put it down in front in the grassy courtyard area where the gash was to be cut into the earth, the depression. Then we fought for a statue of three Americans, a Hispanic-American, an African-American, a heritage soldier, a soldier representing all of the other various heritages.

Now, I can totally understand why Native Americans who fought in every one of our wars and on both sides of the so-called Plains Wars would like some sort of recognition with a memorial, and I promised the Native American Indian vets that I would fight for that.

Mr. Speaker, we finally got the statue approved. It is beautiful and inspirational. When we left the room, a source

told me later, they pushed the flag and the three beautiful soldiers into the woods where they are today, around the flag. It has a great memorial plaque. It says, These men fought wonderfully.

There are eight women's names on the Vietnam Wall, and it says, Under very difficult circumstances. This is Vietnam.

Yes, the same type of difficult circumstances with no win nor strategy for victory in Korea, but at least, in Korea, half a victory. Korea is now the 14th most vibrant economic nation in the world. There was a half a victory there, half the country is free.

But we walked out on our allies in Vietnam. The end result was the killing fields, 68,000 of our friends executed, in concentration camps, killing fields in Laos, 750,000 dead. In the South China Sea, pirates, rape, murder, sharks, drowning, all of that dismissed by Mr. Clinton when he tries to normalize with the communist congress in Hanoi.

Well, Mr. Speaker, yesterday in the Wall Street Journal, Thursday, August 3, there was an article, ''How North Vietnam Won the War.'' I ask unanimous consent to put this in the RECORD. When we come back in, I will take a special order and read it word for word slowly.

I am not being humorous, Mr. Speaker. Every single question a young scholar would want to know about Vietnam is in this Wall Street Journal article. It will go in today's RECORD.

[From the Wall Street Journal, Aug. 3, 1995]

HOW NORTH VIETNAM WON THE WAR

What did the North Vietnamese leadership think of the American antiwar movement? What was the purpose of the Tet Offensive? How could the U.S. have been more successful in fighting the Vietnam War? Bui Tin, a former colonel in the North Vietnamese army, answers these questions in the following excerpts from an interview conducted by Stephen Young, a Minnesota attorney and human-rights activist. Bui Tin, who served on the general staff of North Vietnam's army, received the unconditional surrender of South Vietnam on April 30, 1975. He later became editor of the official newspaper of Vietnam, he now lives in Paris, where he immigrated after becoming disillusioned with the fruits of Vietnamese communism.

Question: How did Hanoi intend to defeat the Americans?

Answer: By fighting a long war which would break their will to help South Vietnam. Ho Chi Minh said.

Question: How did Hanoi intend to defeat the Americans?

Q. Was the American antiwar movement important to Hanoi's victory?

A: It was essential to our strategy. Support for the war from our rear was completely secure while the American rear was vulnerable. Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American antiwar movement. Visits to Hanoi by people like Jane Fonda and former Attorney General Ramsey Clark and ministers gave us confidence that we should hold on in the face of battlefield reverses. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she was ashamed of American actions in the war and that she would struggle along with us.

Q: Did the Politburo pay attention to these visits?

A: Keenly.

Q: Why?

A: Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power in our favor. America lost because of its democracy; through dissent and protest it lost the ability to mobilize a will to win.

Q: How could the Americans have won the war?

A: Cut the Ho Chi Minh trail inside Laos. If Johnson had granted [Gen. William] Westmoreland's requests to enter Laos and block the Ho Chi Minh trail, Hanoi could not have won the war.

Q: Anything else?

A: Train South Vietnam's generals. The junior South Vietnamese officers were good, competent and courageous, but the commanding general officers were inept.

Q. Did Hanoi expect that the National Liberation Front would win power in South Vietnam?

A: No. Gen. [Vo Nguyen] Giap [commander of the North Vietnamese army] believed that guerilla warfare was important but not sufficient for victory. Regular military divisions with artillery and armor would be needed. The Chinese believed in fighting only with guerrillas, but we had a different approach. The Chinese were reluctant to help us. Le Duan [secretary general of the Vietamese Communist Party] once told Mao Tse-tung that if you help us, we are sure to win; if you don't, we will still win, but we will have to sacrifice one, or two million more soldiers to do so.

Q: Was the National Liberation Front an independent political movement of South Vietnamese?

A: No. It was set up by our Communist Party to implement a decision of the Third Party Congress of September 1960. We always said there was only one party, only one army in the war to liberate the South and unify the nation. At all times there was only one party commissar in command of the South.

Q: Why was the Ho Chi Minh trail so important?

A: It was the only way to bring sufficient military power to bear on the fighting in the South. Building and maintaining the trail was a huge effort, involving tens of thousands of soldiers, drivers, repair teams, medical stations, communication units.

A: Not very effective. Our operations were never compromised by attacks on the trail. At times, accurate B–52 strikes would cause real damage, but we put so much in at the top of the trail that enough men and weapons to prolong the war always came out the bottom. Bombing by smaller planes rarely hit significant targets.

Q: What of American bombing of North Vietnam?

A: If all the bombing has been concentrated at one time, it would have hurt our efforts. But the bombing was expanded in slow stages under Johnson and it didn't worry us. We had plenty of time to prepare alternative routes and facilities. We always had stockpiles of rice ready to feed the people for months if a harvest were damaged. The Soviets bought rice from Thailand for us.

Q: What was the purpose of the 1968 Tet Offensive?

A: To relieve the pressure Gen. Westmoreland was putting on us in late 1966 and 1967 and to weaken American resolve during a presidential election year.

Q: What about Gen. Westmoreland's strategy and tactics caused you concern?

A: Our senior commander in the South, Gen. Nguyen Chi Thanh, knew that we were losing base areas, control of the rural population and that his main forces were being pushed out to the borders of South Vietnam. He also worried that Westmoreland might receive permission to enter Laos and cut the Ho Chi Minh Trail.

In January 1967, after discussions with Le Duan, Gen. Thanh proposed the Tet Offensive. Thanh was the senior member of the Politburo in South Vietnam. He supervised the entire war effort. Thanh's struggle philosophy was that ''America is wealthy but not resolute,'' and ''squeeze tight to the American chest and attack.'' He was invited up to Hanoi for further discussions, He went on commercial flights with a false passport from Cambodia to Hong Kong and then to Hanoi. Only in July was his plan adopted by the leadership. Then Johnson had rejected Westmoreland's request for 200,000 more troops. We realized that America had made its maximum military commitment to the war. Vietnam was not sufficiently important for the United States to call up its reserves. We had stretched American power to a breaking point. When more frustration set in, all the Americans could do would be to withdraw; they had no more troops to send over.

Tet was designed to influence American public opinion. We would attack poorly defended parts of South Vietnam cities during a holiday and a truce when few South Vietnamese troops would be on duty. Before the main attack, we would entice American units to advance close to the borders, away from the cities. By attacking all South Vietnam's major cities, we would spread out our forces and neutralize the impact of American firepower. Attacking on a broad front, we would lose some battles but win others. We used local forces nearby each target to frustrate discovery of our plans. Small teams like the one which attacked the U.S. Embassy in Saigon, would be sufficient. It was a guerrilla strategy of hit-and-run raids.

Q: What about the results?

A: Our losses were staggering and a complete surprise, Giap later told me that Tet had been a military defeat, though we had gained the planned political advantages when Johnson agreed to negotiate and did not run for re-election. The second and third waves in May and September were, in retrospect, mistakes. Our forces in the South were nearly wiped out by all the fighting in 1968. It took us until 1971 to re-establish our presence, but we had to use North Vietnamese troops as local guerrillas. If the American forces had not begun to withdraw under Nixon in 1969, they could have punished us severely. We suffered badly in 1969 and 1970 as it was.

Q: What of Nixon?

A: Well, when Nixon stepped down because of Watergate we knew we would win. Pham Van Dong [prime minister of North Vietnam] said of Gerald Ford, the new president, ''he's the weakest president in U.S. history; the people didn't elect him; even if you gave him candy, he doesn't dare to intervene in Vietnam again.'' We tested Ford's resolve by attacking Phuoc Long in January 1995. When Ford kept American B–52's in their hangers our leadership decided on a big offensive against South Vietnam.

Q: What else?

A: We had the impression that American commanders had their hands tied by political factors. Your generals could never deploy a maximum force for greatest military effect.

PERMISSION FOR MEMBERS TO REVISE AND EXTEND THEIR REMARKS IN THE RECORD UNTIL SEPTEMBER 6, 1995, NOTWITHSTANDING ADJOURNMENT

Mr. WISE. Mr. Speaker, before I begin, I ask unanimous consent that, notwithstanding the adjournment of the House until Wednesday, September 6, 1995, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

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

There was no objection.

FRAUDULENT CORRESPONDENCE

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

Mr. WISE. Mr. Speaker, I want to talk about the telecommunications bill, but I also want to say that communication from my constituents is very important to me because that is one of many ways that one deals with issues and shapes views.

But unfortunately, during this debate, that very communications has been compromised for the first time in the time that I have had the privilege of serving in the House. I hold up, Mr. Speaker, generated communications, letters with names and addresses of constituents ranging from Martinsburg to Harpers Ferry, to Weston, to Charleston, to Ravenswood, to Ripley, all across the State of West Virginia.

Mr. Speaker, I hold up 550 letters. This was the amount of mail coming in in the last few days on the telecommunications bill, all expressing one point of view.

We decided to do a survey to find out whether people and genuinely been behind these letters. What I found, Mr. Speaker, was that in contacting 15 people, we found 8 people of the 15 who were unaware that their names were on one of these letters. We found out, Mr. Speaker, that of the 15, 3 were deceased and he had been dead for 6 to 7 years.

We found out that 4 people were aware. What that means, Mr. Speaker, is about two-thirds of the people listed here may not have actually communicated with my office, but their names were used to represent it.

This is an outrage, Mr. Speaker. I encourage my constituents, as all my colleagues do, Mr. Speaker, to write, to express their opinions. For the first time, the credibility of their written opinions has been put at risk. I hope that something will be done about this.

I encourage constituents to write directly or to call; that way, we know what their opinions are.

Mr. Speakers, I am voting against this telecommunications bill, mainly because of the cable provisions. I fought too hard in this Congress for several years to try and get some regulation of cable rates, and yet, with the passage of this legislation, rural cable rates can be deregulated immediately. What that means is that in West Virginia, 40 percent of the cable could become deregulated upon enactment. That is very significant.

Mr. Speaker, despite what some may say, before regulation in 1992, before we were able to get some control over rates, cable rates had gone up 61 percent, or 3 times the rate of inflation. Following regulation and the ability to monitor some of the rates, the rates went down, in some cases as much as 17 percent, and consumers were saved $3 billion. That is all now put at risk by the passage of this bill.

Mr. Speaker, I did not come here to vote for an immediate rate increase for cable users. I think that that is something that has to be dealt with to clean this bill up, so that by Christmas, our cable users are not seeing a $5 to $7 increase.

I want competition in the cable industry like everyone else, but unfortunately, the cable rates can be raised before there is effective competition, and that does not benefit anyone.

Finally, Mr. Speaker, I think it is important that in this legislation, the V-chip passed. I am holding up a V-chip, Mr. Speaker, very thin, very inexpensive, but what it does is give parents control over the TV sets that their children are watching. All of us, as parents, want to know that we have some input into what our children learn and what they see and what they watch on television.

This V-chip is not censorship. It is parental control, and all it does is say that parents may, with this V-chip in the TV set, will now be able to program out that which is rated as violent. Some say that is censorship; perhaps those in Hollywood think it is censorship.

Mr. Speaker, nothing stops what comes across the television screen, but what can stop the material from being seen by a child whose parent does not want it seen is this V-chip. So we are going to fight hard to make sure this V-chip stays inside the television set.

With this V-chip, Mr. Speaker, you can take a very, very big bite out of the violence that your children see.

□ 1615

So I think it is important that this stay in this telecommunications legislation. My hope is that eventually there will be a bill that we can support, but this bill today, particularly what it does to rural cable users, is not the bill to be supporting.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

[Mrs. SEASTRAND address the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR address the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. CONYERS address the House. His remarks will appear hereafter in the Extensions of Remarks.]

A TRIBUTE TO LORRAINE MILLER

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

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to recognize an exceptional young woman whom I deeply admire, Lorraine C. Miller, who is a Deputy Assistant to the President for Legislative Affairs. Lorraine is leaving that position to become Director of Congressional Relations at the Federal Trade Commission after 14 years of distinguished service here in the House of Representatives.

Mr. Speaker, Lorraine is a proud native of northwestern Texas who, prior to joining the White House staff, served this body in the office of Speaker Tom Foley, in the office of Speaker Jim Wright, and as floor assistant for the gentleman from Georgia [Mr. LEWIS]. During her tenure here with the Office of Legislative Affairs, Lorraine has served the President and her country very well. Working extremely long hours and under stressful time-crunch conditions, Lorraine served us, and she calls us her constituents, in ways many may not be aware of. She has fought tirelessly on issues we care about and made sure our concerns were her priority. Her willingness to go beyond the duty to both inform and assist is well-known to Member of this body.

Lorraine's legislative expertise covered a broad spectrum in urban issues to rural concerns, from the environment to NAFTA and GATT, from regulatory reform to space programs and so on. Her pleasant demeanor and her political savvy in helping to move important legislative issues through the House has become legendary.

Lorraine is going to be missed as he embarks upon her new career, and so to her I would say, ''Lorraine, you have been an invaluable asset to the Democratic Members of Congress, and we are pleased that we have had a person of your esteem, and your grace, and character to work along with us.'' I am sure

that you will all join me in saying thanks to Lorraine for a job exceptionally well done.

PERSONAL EXPLANATION

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

Mr. FILNER. Mr. Speaker, I was unable to attend the session on Thursday, August 3, 1995. Had I been present, I would have voted as follows: 618—''no''; 619—''yes''; 620—''yes''; 621—''no''; 622—''yes''; 623—''no''; 624—''yes''; 625—''yes''; 626—''no''.

VIACOM REVISITED: REPEAL OF THE TAX CERTIFICATION PROGRAM

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

Mr. DIXON. Mr. Speaker, before we leave for the recess, I wanted to take the opportunity to revisit our actions on February 21. On that day the House passed H.R. 831. The legislation ended a very successful minority tax certificate program and scuttled Viacom Inc.'s plans to sell its cable systems to a minority broadcasting company.

This was done under the guise of paying for a 25 percent health insurance tax deduction for the self-employed. Proponents of the move claimed that $1.3 billion would be saved by ending the minority tax certificate program.

I strongly support legislation to ensure the deductibility of health insurance costs. However, I voted against H.R. 831 because the bill eliminated a program that provided minorities with the opportunity to own broadcast properties.

As a result of the elimination of the minority tax certificate program, Viacom has structured a new deal. Last week it was reported that Viacom has moved to rid itself of its cable systems, this time without selling to a minority entrepreneur. And guess what? There will be no addition of capital gains taxes to the Treasury.

My question is: What have we accomplished by repealing the tax certificate program, other than preventing a minority from owning Viacom's cable systems and reducing opportunities that future minority companies have to own broadcast properties?

For my colleagues who do not remember, let me recap the events. In January Viacom announced that it would sell its cable television systems to a partnership that was led by an African-American communications entrepreneur. That deal was ended by those who opposed a capital gains tax benefit that Viacom would have received for selling to a minority.

Representative BUNNING of the Ways and Means Committee explained the Republican's reason for ending the tax benefit when he said ''to pay for the 25 percent deduction, the bill repeals section 1701 of the Tax Code, that allows the FCC to issue tax certificates to companies that sell telecommunications properties to businesses with minority interests.''

The tax benefit sought by Viacom was part of the Federal Communication Commission's tax certificate policy program. Created in 1943, it has been used for a variety of reasons. In 1978 the FCC began using the program to promote the sale of radio and television stations to minorities.

This program has been successful. From 1978 to 1995, the program resulted in increasing minority ownership of all broadcast properties from only 0.5 percent to 2.9 percent.

If the January Viacom deal had gone through, the FCC would have issued a tax certificate to Viacom. Viacom would have sent the tax certificate to the Internal Revenue Service and would have deferred paying capital gains taxes on the deal. The new Viacom deal will have essentially the same effect on the Treasury as the original deal—a deferral of tax revenue.

Although Republicans wanted to use the revenue to pay for the health insurance deduction, all the program's repeal has done is hinder minority access to capital and to broadcasting.

During debate on H.R. 831, Ways and Means Committee Chairman BILL ARCHER said that ''the cost of the deduction's permanent extension is fully funded by several provisions which will greatly improve our Nation's tax laws.'' I do not see how ending the minority tax certificate program improves our tax laws when doing so only serves to impede minority access to ownership of broadcasting operations.

The Joint Committee on Taxation calculated that extending the 25 percent health insurance deduction for the self-employed would cost $2.9 billion between 1995 and 2000. The committee also calculated the repeal of the minority tax certificate program at $1.3 billion over five years, nearly half the revenue needed for the health deduction. If other deals are made to avoid paying capital gains taxes, where does that revenue come from?

While you may need an expert tax attorney to grasp the intricacies of the new Viacom deal, the results are easily explained. Viacom achieves its goal of paying no capital gains taxes and eliminates a large portion of its debt. TCI benefits by expanding its portion of the cable television market.

There is no benefit to the Treasury; no payment for the self-employed tax deduction; and no chance to expand minority ownership in broadcasting.

Let me be clear, there is nothing unusual about a company structuring a deal to avoid paying taxes. It happens all the time, and certainly proponents of ending the tax certificate program know that.

I believe that it was disingenuous for the Republicans to use the repeal of the section 1071 program to ''pay'' for the health insurance deduction. There was no basis for acting on that assumption. Witnesses at hearings on the tax certificate program alerted them to the problems with that assumption.

Raul Alarcon, Jr., the president of the Spanish Broadcasting System had it right when he told the Ways and Means Committee:

> It cannot be assumed that, but for the tax certificate program, each and every sale to a minority owner would have generated tax revenues in the year of the sale. Many owners would not sell their properties at all if they couldn't defer the taxes—or they would search for other tax-favored ways to sell their properties.

Beyond paying for H.R. 831, Republicans also argued that the minority tax certificate program should be repealed because it is unfair. This is certainly not true. Mr. William Kennard, general counsel for the FCC, pointed out that the tax certificate program is not a quota. It is not even a set aside. As he said, ''It is a minimally intrusive, market-based incentive which has worked.'' The program has helped minorities overcome, in Mr. Kennard's words, the ''greatest obstacle to ownership—attracting the necessary capital.''

During the February 21 debate on the measure, Chairman ARCHER said that tax benefits should not be conditioned on classifications such as race or ethnicity. ''Our tax laws should be, as I am, color blind.''

The color blindness of the tax code is not the point. The point is that the tax code is used for a variety of public policy goals, such as savings and investment. It was good public policy to use the tax code to enhance minorities' access to capital and to encourage minority entrepreneurship.

In response to the concerns raised about tax certificate abuse, Ways and Means ranking member SAM GIBBONS and Representative JIM MCDERMOTT offered a substitute to H.R. 831 which preserved health insurance deductions for the self-employed and reformed the tax certificate program.

The substitute would have capped the amount of capital gains taxes that could be deferred under the tax certificate program at $50 million and made significant reforms.

The Republicans opposed this alternative. An alternative which address concerns about abuse of the program—without completely dismantling the certificate program.

So what did the bill do? It eliminated a program which helped minority companies gain a foothold in broadcasting. It did not fund the health insurance tax deduction TCI, the Nation's largest cable systems operator, becomes even larger.

With the new Viacom deal in the works, where is the Republican opposition to another huge deferral of capital gains taxes? Where are the calls for

hearings on whether Viacom has unfairly prevented the government from collecting tax revenue? I don't expect to hear them.

I guess it is okay for nonminorities to avoid paying capital gains taxes, as long as they don't help minority entrepreneurs along the way.

Mr. Speaker, I would be pleased to yield to the gentleman from South Carolina [Mr. CLYBURN].

□ 1630

Mr. CLYBURN. I thank the gentleman for yielding. Mr. Speaker, I rise to express my outrage with congressional actions which discourage minority ownership of telecommunications businesses, while at the same time letting stand tax laws which encourage ownership among white owned entities.

In February, this body voted to kill a Federal program that provided tax breaks to companies that sell broadcast stations and cable TV systems to minorities. These actions were spurred by Viacom Inc.'s proposed $2.3 billion sale of its cable TV systems to a group led by an African-American entrepreneur. The Federal Communications Commission minority tax certificate program allowed companies that sold to minority buyers to defer capital gains taxes on sales of radio and TV stations and cable systems. The program was designed to encourage such sales and to broaden minority ownership in an industry that is overwhelmingly dominated by whites.

The tax certificate program was established in 1978 and had been supported through four administrations, both Democratic and Republican. It was responsible for a fivefold increase in the minority ownership of broadcast properties. Even with that success, however, minorities represent only 3 percent of the industry's ownership today.

In this deal, Viacom would have been entitled to defer paying more than $400 million in taxes under the program. While the program involved tax deferment, Viacom still would have been liable for the $400 million in taxes at a later date. It would have had to reduce the amount by which it could write off other assets in the future. The U.S. Treasury would have eventually received these moneys and a single African-American would have become a small player in the telecommunications arena. By repealing the minority tax certificate program, the Congress sent a strong message that it has no interest in increasing minority ownership in the cable and TV industry.

Mr. Speaker, most interestingly, Viacom did eventually sell its cable division to a company known as Tele-Communications Inc. Under obscure tax provisions, this deal enables Viacom to avoid capital-gains taxes. This new deal means that Viacom will escape capital-gains taxes altogether. Its an even better deal than the sale to the minority buyer.

The message this scenario sends to the American people is that it is okay for sellers such as Viacom to benefit from the Tax Code when the buyers are white, but not OK when the buyers are African-American or other minorities. True, Congress closed what has commonly been called the minority tax certificate ''loophole.'' However, after these latest transactions, neither Viacom nor Tele-Communications has suffered. In fact, they both have benefitted by the shrewd use of the Tax Code. Minorities, on the other hand, are discouraged, and to some degree even prohibited, from seeking ownership of telecommunications entities. Shame on this Congress. There is much work to do.

Mr. DIXON. I thank the gentleman for his excellent comment on this issue and would yield to the gentleman from North Carolina for whatever time he may consume.

Mr. WATT of North Carolina. I thank the gentleman for yielding time to me, and I thank him for bringing this important issue to the attention of the Members of this body and to the American people.

Mr. Speaker, listen. What is that sound I hear? I think it is the deafening sound of silence that we always hear when we detect a double standard, and nobody, nobody wants to own up to it.

There is this deafening sound of silence about this Viacom deal because we knew there was an opportunity, we know there was an opportunity, and we know that an opportunity has been missed, and we know that a double standard has been set, and we know there is no justification for it except something is going on in our country that says anything that has any race notion to it, any equalization, any preference notion to it, any opportunity to equalize the playing field is going to get some kind of special scrutiny.

Well, we remember the Viacom deal last February. It was a deal that fell through because Republicans in this House rallied to repeal the minority tax certificate program.

That program permitted owners of broadcast and cable facilities to avoid capital gains taxes on the sale of broadcast or cable facilities to minorities. Had this program not been repealed an African-American business person would have become a serious player in the telecommunications industry. The program was designed to help minorities get some minimal foothold in the telecommunications industry.

We remember the deal, and we remember how outraged the Republicans were that a multimillion dollar corporation was going to get a tax break, a multimillion dollar majority corporation was going to get a tax break, they were outraged because they were going to get that tax break by selling a communications interest to a minority.

We remember how Americans were whipped into a frenzy over this issue because they were told that a huge corporation would avoid paying taxes for selling its holdings just because it was selling those holdings to a minority member who didn't need affirmative action anyway.

Well, if we had just done away with that program and gone on and forgotten about it, maybe the American people would understand and be satisfied, but that is not what happened. What goes around tends to come back around, and so it did.

Viacom never gave up on the notion, the majority company never gave up on the notion of tax avoidance, and they went out and they struck another deal with what happened to be another majority communications company called TCI. That deal avoids all taxation just like the other deal that was so objectionable.

And what do we hear? What have we heard from our Republican colleagues in this very body? Where are you? We hear the deafening sound of silence. Not a word.

Well, what are we to make of this? Is this a double standard? It's OK to avoid taxation. Viacom can avoid taxation as long as it is selling its communications interests to another majority company, but it is not OK to avoid taxation if it is selling its interest to a minority communications interest.

What's the deal? What is it that we are saying? Is it OK for TCI and Viacom to avoid taxation through complex business deals? Is that OK? Is that affirmative action of some kind for those majority companies?

It is certainly an advantage that our Government has delivered to them to facilitate this deal and allow it to happen.

It is affirmative action when we provide a special consideration to our veterans because they have served our country? Is that an acceptable affirmative action?

Is it affirmative action when we say to major corporations that we will provide a tax credit for you to encourage you to do something good for our communities, to keep our air clean?

Well, I am not sure I understand the distinction between those kind of tax credits and savings and affirmative actions that benefit the majority community and the affirmative actions that you say are unacceptable when they benefit the minority community.

This entire Viacom episode really demonstrates once again as clearly as it can be demonstrated that we have gotten way out of whack when it comes to dealing with minority preferences and things that benefits minorities in this country. We cannot sit still for that to happen.

But what happens when the same kind of scenario plays out and benefits those who already have advantages? I submit to you, Mr. Speaker, it is a double standard, and we know what happens when there is a double standard and there is no, no, no justification for it.

We know what happens in this body, and we see it time after time after time after time. We hear it time after time after time. We hear that deafening sound of silence from our colleagues.

We have got to stand up and expose these things when they are inequities, and I commend my colleague from California for bringing this opportunity for us to make the statement in the interest of fairness because we will come back here after the break in this body, and I am sure we will not hear that deafening sound of silence from our colleagues come time to talk about affirmative action and things that may have some benefit to the minority community, but we certainly hear that deafening sound today.

I yield back to the gentleman from California and thank him again for sponsoring this special order today.

□ 1645

Mr. DIXON. I thank the gentleman from North Carolina for his contribution.

Mr. Speaker, just let me summarize what has occurred here over the past few months. I have served in this House for 18 years. I have not served on the Committee on Ways and Means, but I have served on the Committee on Appropriations. I have an idea of the conversations that went on.

This House wanted to participate in a program to allow people who were self-employed to deduct up to 25 percent of their medical insurance. We also at the same time had to find offsets for that money. It was going to cost $2.3 billion. Somebody ran in the room with an article from a newspaper and said, ''Did you know that an African-American is going to participate in a deal, and the taxes on that deal to Viacom, the selling company, are going to be deferred?''

Someone else said, ''What is wrong with that?''

''Well, there are abuses in the program.''

''Well, let's address the abuses.''

The gentleman from Washington [Mr. MCDERMOTT] and the gentleman from Florida [Mr. GIBBONS] presented an amendment on this floor to address those abuses. But there were other voices in the room that said, ''But we need the money to offset the loss of revenue to the Treasury for the $2.3 billion.'' So we called in witnesses. Mr. Kinard from the FCC said, ''This is not a set-aside. It is not a quota. It is something that we have done because of good public policy, and we have been using this certificate for other things since about 1948.''

''But we need to offset. We need to find the money.''

Someone else came forward and said, ''do not anticipate this kind of revenue, because, yes, the tax certificate is used, but people will either not sell or find some other tax structure to avoid it.''

''But we need the revenue.''

This bill comes to this floor, and the representation is made that we have got to kill this Viacom deal. The policy is wrong, it is abused, let us correct it.

No.

Well, then, let us move forward, because when we kill this program, you see, it is going to produce $1.3 billion.

Wrong again. Mr. Speaker, 831 did three things: It eliminated what I believe in my heart was a good program, that encouraged entrepreneurship in broadcast industries; it provided no tax revenue to the Treasury; and TCI, the largest cable company in the country, just got a little bit bigger.

So there is no doubt, Mr. Speaker, that this is not a colorblind society. There is no doubt in my mind that it is not a colorblind society. But when you look at the totality, you cannot expect minorities and women to understand why it is good for the majority in this country to take advantage of a tax deferral, but not good for a minority.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289 AND H.R. 2062

Mr. MFUME. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1289 and H.R. 2062.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Is there objection to the request of the gentleman from Maryland?

There was no objection.

WHERE WE ARE IN THE PROCESS OF THE REMAKING OF AMERICA

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

Mr. OWENS. Mr. Speaker, we have just concluded the debate and the vote on the appropriations bill for the Education, Labor, and Human Services portion of the budget. We have almost concluded the entire appropriations process. The big one left, of course, is the Department of Defense. This process moves us a little further along the road toward the remaking of America.

Speaker GINGRICH and the Republican majority have said they intend to remake America. Speaker GINGRICH also says that politics is war without blood. So we have concluded the first phase of the war. The Contract With America with just a warm-up. The budget and appropriations process really opened the blitzkrieg. The first phase of the blitzkrieg is about to come to an end.

I think it is important to take this time to note that it has been devastating indeed. The people of America, the caring majority, the majority of the people in America, have been the victims of the beginning of this scorched Earth policy. Tremendous cuts have been made already, and this is just the first year in the effort to balance the budget in a 7-year period. This is the easiest one.

These cuts will escalate greatly over the next few years. So whatever has begun today, as horrible as it may be, is only the beginning. It is very important that the American people understand that this is only the beginning, and $9 billion was cut from the Health and Human Services and Education and Labor budget, $9 billion for the budget year that begins October 1 1995 and goes to September 30, 1996.

If $9 billion was cut in this first round, you can imagine how much more will have to be cut and will be cut in the second round, the next budget year, because the budget for this year still leaves the Republicans, who are controlling the process now, with a deficit of $170 billion, the House-Senate budget that concluded, under which we are laboring with respect to the appropriations now. That budget still left us with a deficit in 1996 of $170 billion. Over the next 7 years, that deficit will go down from $170 billion to a surplus of $.614 billion in the year 2002.

In order to get that deficit down and end up with a surplus in the year 2002, drastic additional cuts have to be made. So it is important to understand where we are in the process of the remaking of America, in the process of this war without blood.

Speaker GINGRICH says that politics is war without blood, but he did not say it was without pain and he did not say it was without suffering. And there is a lot of blood, too. I think it is very important to note that in the process of making budget cuts in the appropriations process, the Committee on Appropriations went far beyond its jurisdiction, and they did a lot of legislating, against the rules; they violated the rules. This majority violates the rules whenever they see fit, and they have the same kind of contempt for rules that dictators and tyrants have. Rules are just to be played with the bourgeoisie and the folks who believe in little words on pieces of paper. They violate them when they get ready.

So a massive violation of the rules occurred in this appropriations process with respect to the Labor, Education, and Human Services appropriation. They had a large number of legislative matters introduced into the process. One of those matters related to the enforcement of health and safety standards on jobs by OSHA, the Occupational Health and Safety Administration.

One of those legislated items cut the effectiveness of OSHA by one-third. By cutting the budget by one-third and specifically saying that the cuts have to apply to the enforcement process, OSHA's enforcement administration, enforcement process, the people in charge of enforcing the rules and regulations on health and safety, they could not spend but two-thirds of their last year's budget. They are cut by one-third.

That is going to cause not just pain and suffering, but there will be some bleeding and dying, because last year

in America 10,000 workers bled and died on the job. Another 46,000 died as a result of diseases contracted or as a result of health conditions contracted on the job. They died elsewhere, but right on the job 10,000 died.

So in this process of making budget cuts, they have also legislated a less safe environment for all the workers in America. They have declared war on workers, and that war has casualties. That war has a body count. The body count and the casualties will go on.

There were many other areas within this appropriations process where the Committee on Appropriations usurped the powers of the authorizing committees and legislated. They changed the National Labor Relations Board's ability to operate by cutting them by 30 percent. They are going after the workers. A major target in this war are working people. They say unions. They have a vendetta against the unions. They want to get revenge on the unions. But working people out there, most of them in America do not even belong to unions. In the process of getting revenge on he unions, they are destroying conditions for working people in general.

The NLRB affects other people other than unions. OSHA affects other people. It is the workers of America, and everybody out there, who is not a big wage earner, not an executive or on a big salary. Sooner or later they fall into a category where they need to have some bargaining power or leverage. Most of us are workers. In the final analysis we are workers, and our working conditions are being steadily made more dangerous as a result of activities undertaken in an appropriations bill.

The Committee on Appropriations exceeded its authority. It is just the beginning of a process which probably will go on for a long time to come. They have always exceeded their authority. I have always taken the position we do not need a Committee on Appropriations. The Committee on Appropriations makes the Congress sort of an inept dinosaur.

We have a huge Committee on Appropriations with a huge budget, a huge staff, and they make the most important decisions about where money is going to be spent. But in the final analysis, the Committee on Appropriations has the least amount of information, because there are authorizing committees that spend all of their time on different segments of the governmental functions, of the policies that govern our country. The authorizing committees have the knowledge. The authorizing committees conduct the hearings. The authorizing committees accumulate the experience over time. But the power lies with the Committee on Appropriations.

The appropriation committees, of course, were created as old-fashioned, primitive methods of centralizing power. You centralize the real power in a body that is supposed to be a democratic, deliberative body, so it is easier to control by the Speaker and the leadership. That is why appropriation committees exist. But they used to pretend that they had limitations, and it was only going to deal with the actual appropriation of the funds.

They are not pretending anymore. The appropriations committees have taken over and they have proceeded to legislate whenever they feel like it, which means that if we were to be honest with the American people we would close down part of the Congress. We could send all the Members home who do not serve on the Committee on Appropriations or the Committee on Rules or the Committee on Ways and Means. That is about one-third of the Members of Congress on those three committees.

The rest of us really should not be drawing salaries, because we are not allowed to make decisions. We are not allowed to make important decisions. We play around at the edges. We have hearings, we pretend we have legislation. But in the final analysis, the clout lies with the Committee on Appropriations that is going to appropriate the money, and the Committee on Ways and Means is going to develop the revenue.

Whenever the Committee on Ways and Means brings a bill to the floor, it does not even pretend to have a democratic process. In the 13 years I have been here, I have never seen a Committee on Ways and Means bill come to the floor which was an open rule, where the Members of Congress who do not serve on the Committee on Ways and Means had a possibility of having some kind of input, making some kind of decision. So the Committee on Ways and Means is totally in control of the revenue producing activities within this country.

□ 1700

The rest of us either say yes or no or vote present, but we do not have any input. We have a very inept dinosaur, a very inefficient dinosaur and you have, after all, in the House of Representatives, 435 Members who are among the brightest and most energetic people in the country, who understand government, who understand human nature. They would not be here if they were not tremendously capable individuals. But they come here and they are immediately made irrelevant. They become obsolete if they do not get a place on the Committee on Appropriations or the Committee on Rules or the Committee on Ways and Means.

And the Committee on Appropriations used to pretend that they had some use for the rest of us but in this last operation, certainly the Health and Human Services and Labor and Education budget, they made no pretense. Open legislation takes place throughout the bill and every effort to vote down that legislation, authorizing legislation, within the appropriations process, the majority beat it down with their numbers. They have the numbers and they can, of course, violate the rules and render us all ineffective.

Nevertheless, we have to make do for the time being. Hopefully in the next Congress we can do something about the dinosaur and get rid of the overwhelming power of the Committee on Appropriations. Democrats were never that interested in doing that before, but maybe they can understand the evils now.

What I wanted to do today is to let everybody understand that this process has just begun. First of all, the implications of the process over a 7-year period are devastating. I want you to understand that if the cuts are great this year, they have to be greater next year and greater the year after that, until we get down to the point where we have no more deficit. So that is one thing that has to be understood.

The other thing to understand is that, and it is hard to understand. Until I became a legislator, although I thought I was pretty intelligent and pretty well educated, I could not understand all the machinations that take place here in Washington. We have passed it on the House of Representatives. We passed the Labor, Health and Human Services and Education budget. And we passed most of the other appropriations bills.

They still have to go to a conference with the Senate and the Senate has not passed most of their appropriations bills. The Senate can move very fast when it wants to. So the likelihood is that in the month of September all of this is going to be completed by the Senate and the House, and the Senate operate from the same set of overall budget figures that the House operates from. There is an agreement between Senate and House, and we are proceeding on the basis of one set of budget cuts. So the Senate budget will cut Education, Health and Human Services as much as the House budget will cut it, as much as House appropriations cut it. The difference is where they will cut.

The Senate may choose to not assassinate OSHA, not to try to destroy the health and safety standards of the workers of America. They may choose to instead take more money out of the Pell grants. They may choose instead to impose more of a burden on student loans. But overall, it is going to be just as bad because they have to stay within those budget figures.

That is the other trick that we have to deal with. We have to understand that the Committee on the Budget has already set certain levels, and the Committee on the Budget has determined that you cannot cross lines. One of the charades that took place with respect to the Health and Human Services and Education budget was that if you wanted to restore the cut for Head Start—and these high technology barbarians have done something nobody else has done in the course of history of the Congress. President Bush did not

cut Head Start. President Reagan increased Head Start. Head Start has never been cut by any President. But they cut Head Start. If you wanted to restore Head Start cuts, you had to take it from somewhere else, but there is a bigger cut in title I.

So if you wanted to restore Head Start, you could cut title I some more. If you want to restore title I, a billion dollars is a large amount of money because title I is the largest program of assistance to elementary and secondary education that takes place through the channels of the Federal Government. Everybody likes to think it is Federal money. The Federal Government gives back a portion of the budget, a portion of the people's money, because all taxes are local. All revenue derives from individuals and families and it is sent to Washington so it is getting our money back. We get back a very tiny amount of our money for education.

The Federal Government only is involved in about 7 percent of the total expenditure for education, but its involvement comes through the title I program for elementary and secondary education. They are cutting that by more than a billion dollars. We could not restore any of that without cutting some other part of this same function 500.

Yes, we could cut the NLRB, the National Labor Relations Board, and give a few million maybe back to Head Start, or we could cut OSHA or we could cut MSHA, the Mine Safety and Health Administration. You could have cannibalism, cannibalism among worthwhile programs. That choice you have. Let the programs eat each other. Because the trick is, you cannot go outside of the function of Health, Human Services and Education to get any money from the places where the real waste occurs.

We cannot go back, we cannot go and take it from defense. You cannot, everybody knows where the waste is, but you cannot even propose it on the floor at the time of the deliberations on the Health and Human Services and Education bill.

We know there is waste in the defense weapons systems. We know the B–2 bomber is the most wasteful weapons system that we ever confronted. We know that because there is agreement at the Pentagon. They say it is wasteful. They do not need it. The Secretary of Defense says he does not need the B–2 bomber. The President says he does not need it. Everybody agrees except the Members of Congress, the Members of the House, that we do not need a B–2 bomber. So we put back $500 million in the annual budget and over the life of the B–2 bomber program, we are talking about $30-some billion. So if we wanted to take care of Head Start and wanted to take care of title I, Pell grants, OSHA, MHSA, all the worthwhile human services programs, you can easily do it if you are allowed to reach into the defense budget and get the waste out of there to take care of it. Because the defense numbers are tremendous numbers. Just take the B–2 bomber. You have a great solution to the problem over the last 7 years. By cutting out the B–2 bomber, we could refund these programs at the level that they existed before and even give them increases.

So where are we in the process? I want to get back to that so that every American citizen listening will know that this complicated process is not so complicated after all.

The appropriations process is about to come to an end in the House. The House Committee on Appropriations will consult with the Senate. They will come out with a joint conference report of what they both agree on. It will go to the President for the President's signature. Each one of these appropriations bills goes to the President separately. So the President will probably sign the defense appropriations. Unfortunately, there is not very much disagreement between the White House and the Congress on defense. When they should have been cutting this, they were not cutting either. So I suspect that the defense appropriations bill will probably be signed. It is the last one we do, but it may be the first one signed by the President. I suspect that the last thing the President will sign, if he ever signs it, would be the Education, Health and Human Services budget. In fact the President has already said he is likely to veto the appropriations bill if it comes to him in the form that passed the House of Representatives yesterday.

If it comes that way, we know it will be vetoed. What happens when the President vetoes? Each one of the appropriations bills, the President has the option of signing it, it becomes law, and that will guide our expenditures for the next year. Or he can veto it and it comes back to the House of Representatives.

If it comes back to the House, we can override it, if we have two-thirds of the Members of the House vote to override. In the health and human services bill, there is no chance that there will be a two-thirds vote to override. In the housing, VA, veterans and housing bill, I do not think there is any chance that they will get an override.

In a number of the key appropriations bills, there will not be a congressional vote great enough in the House of Representatives to override the veto. You should follow this. Every citizen should follow this, because what it means is that as we approach the deadline date of September 30, which is the end of the Federal fiscal year, these programs that do not have an appropriations bill, which is now law, the appropriations bill has not been turned into law, they have no way to continue operating. They run out of money.

They have run out of money and a crisis is created. A crisis is created. The probability is that, given the games that the Republican majority is playing and given the extreme and mean positions that they have taken here on these vital programs, they will not agree to the continuing resolution. The way you continue programs when the money runs out is you have to vote for a continuing resolution, which covers all programs for which there has been no appropriations bill signed.

The likelihood is that the same people who refused to vote decent amounts of funding for these programs to begin with are not going to accept a continuing resolution which continues them at the same level as last year. In fact, some of these same programs have already been cut this year in a rescission bill, which was promulgated by the Republican majority. And that rescission bill cut $16 billion out of this year's budget to make it impossible for some of these programs to continue because they have already been cut, regardless of what a continuing resolution says, they would have to receive a cut this year and then pick up on the continuing resolution, and it cannot be accomplished. So we are headed for a crisis, and every American should understand the nature of the crisis.

In my district last week, in discussing the problem with some constituents, there was one elderly lady who said to me: Well, if the Government is out of money and we just do not have no more money, then I will make my sacrifice. I do not mind sacrificing just like everybody else. I do not mind the Medicare cuts. I do not mind making my share of the effort. I do not mind suffering if our Government is in trouble and they just do not have any more money.

Well, that is a noble sentiment. I suspect that the majority of Americans feel the same way. When the suffering is necessary, they are willing to do it. In World War II, massive amounts of people were willing to suffer and endure. So it is nothing new. Americans are willing to suffer. But it is important that you understand that the suffering and the pain that is being inflicted is unnecessary.

It is unnecessary for elderly people to worry about their Medicare payments. It is unnecessary to worry about whether you are going to be able to get into a nursing home or not. When your money runs out and you cannot afford Medicare anymore, you cannot afford to pay for your own health care, as thousands of elderly people spend down, they get very sick, the medical costs, despite the fact that they have Medicare, there is a portion they have to pay. They run out of money and they become poor as a result of bad health, as a result of operations, as a result of time in the hospital. And they can only be put in a nursing home if they are convalescing after an operation if they declare themselves poor and go onto Medicaid, the other part of the health care program that was created by Democrats.

Remember, we are celebrating the 30th anniversary of Medicare. Medicare

was created by Lyndon Johnson, a Democrat. Medicaid was created by Lyndon Johnson, a Democrat, just as Social Security was created by Franklin Roosevelt, a Democrat.

We are celebrating Medicare's 30th anniversary, and it is important to understand that there is no need for this in the richest country in the history of the world. The United States of America is the richest country that ever existed in the history of the world. They said, well, you might say there are some Arab countries that people per capita are richer than we are. There may be four or five countries in the world where per capita at a given moment they have higher incomes. But if you look at the assets and resources of these nations, you will find that it is all very much illusionary.

Overnight something can happen to the oil prices in the world, and in Saudi Arabia the standard of living goes down drastically. In Kuwait, the standard of living is going down because they are not getting as much for their oil products as before. Nigeria, which has some of the finest-grade oil in the world, faces a crisis because there is a glut on the market, and oil prices still go down. So we are not in America dependent on any one set of natural resources.

□ 1515

We are not dependent on any one set of minerals or any one set of climatic conditions. There are well-established institutions. Our country, from the Atlantic Ocean to the Pacific Ocean, has produced an abundant supply of rich, natural resources and rich farm lands and growing seasons that allow us to maximize the amount of foodstuffs grown here. We could feed the whole world if we wanted to.

All of that together adds up to riches that no other nation has. And you put it all together, there are riches that no other nation can begin to dream of.

Add to that the law and order, the well-established legal system, an institutional government which stabilizes things so that you are not, even in the worst of times, and we may be going through some of those worst of times in terms of the democratic process, but even in the worst of times there are not cataclysmic shifts that overnight render our resources less potent and our economy cannot be brought down by any one turn of events.

We are the richest Nation that ever existed in the history of the world. We should not be contemplating forcing suffering and pain upon the elderly. We should not be contemplating forcing children to go without decent lunches. They cannot get a decent meal anywhere else, even the school; with the help of the Federal Government, they should be able to get a decent lunch, because those same children will become the soldiers of tomorrow. They will become the workers of tomorrow. They will become the Congressmen and the leaders of tomorrow. Those same children.

We are rich enough. We have the resources. The problem is that every American must understand, the problem is the attitude and the vision of the people who have the power now.

When you have this train wreck, when there is a crisis created between the President and the Congress, the President vetoes the bills, they go back to the Congress, they cannot override. The Congress refuses to pass spending, a continuing resolution. When that happens, we should all be ready to join fully into the debate and understand what is happening.

The new America is being shaped. If the people, if the great majority of Americans stand up and say: No, we will not accept anybody or any argument which tells us we are too poor to be able to take care of all the sick; we are too poor to be able to take care of the elderly; we are too poor to provide school lunches; we are too poor to provide a decent education for the generation of Americans who will have to work to keep the Social Security system going, to keep the Medicare system going. There are some people worried about Medicare becoming bankrupt, and it certainly will be bankrupt if our workers are not working and adding to the fund.

Social Security will be bankrupt if our workers are not working and adding to the fund. If all of the jobs are shipped overseas or to Mexico and the workers are not contributing to the Social Security fund, the rich may still get rich by using the labor of people overseas, but the workers overseas do not pay into the Social Security fund. The workers overseas are not contributing to the future of America.

You can get cheaper labor and use high-tech instruments and you can bring in from India some very well-educated computer programmers. But those Indian computer programmers are not paying into the Social Security. They have no stake in our society.

We have to understand what all this means when they are trying to remake America by wiping out the working conditions for the workers of America; by lowering the wages of the workers of America; by creating conditions which make it very difficult to educate the vast population of America. We have to understand what is happening. The remaking of America may mean the destruction of America. We have to get involved.

Nobody should accept the argument that we are too poor as a country, and I want to make my sacrifice. Do not rush to make a sacrifice for this particular agenda.

Everybody should be in favor of cutting waste in government, and we certainly are. We do not want to spend a single dime that we do not have to spend. But do not rush into believing that the problem we face is because all of our education programs are wasteful or all of our health care programs are wasteful. That is not the problem.

The problem is that there was a tremendous waste in government and the people in power do not want to confront that waste. The waste is in the B–2 bombers. The waste is in the *Seawolf* submarines. The waste is in the agricultural subsidies.

We had an amendment on the floor which said, look, we do not want to cut subsidies for people who need subsidies, but for all of these people who are gentleman farmers and they only farm part time, if they have an income outside of their farming activities of $100,000 or more, then they should not be receiving subsidies. That is all we said; a simple, commonsense proposal was on the floor. Let us not give taxpayers' money to people who are farmers who have other incomes of $100,000 or more.

That was voted down. That was massive waste confronted. The opportunity was there to curb that waste, but it was voted down.

There were other examples, also. An amendment said, let us not subsidize tobacco. There is a great debate about tobacco and whether it is healthy to us and whether it is contributing to the destruction of the health care budget, because it creates a lot of very complicated illnesses which are very costly; whether it is destroying the morality of our youth.

I am not going to get into that, but the question was, Should we subsidize it, should taxpayers continue to pay subsidies for promotion of tobacco products? That was voted down.

So, before you accept the argument that massive cuts have to be made, and great amount of suffering has to take place in the Health and Human Services and Education budget, look carefully at the rest of the budget of the Federal Government. We have a whole series of things that we need to deal with in terms of cutting waste before we get there.

We are talking about people who have a vision of America which includes B–2 bombers over school lunches. *Seawolf* submarines over nursing home care, home care for the elderly. That is their vision of America.

What we have to understand is that in 1995, we have to deal with the long-range vision of America. The vision thing that President Bush had trouble dealing with; the Speaker of the House has no trouble dealing with that. There is a clear agenda and there is a clear sense of direction that has been set forth, whether you agree with it or not. At least you should applaud that there is a clear agenda.

The agenda says that America should be only for the over-class. Only an elite group. We are going to have public policies, government policies, which take care of and even pamper the over-class. Pamper the people who have computers. Everybody who owns a computer is in the over-class automatically. You have to have a certain level of salary, send your kids to school and pay for it, if necessary, because the

agenda is to let the public school system collapse.

They do not care whether public schools exist or not. They know that States are cutting back on education budgets. They know that cities are hard pressed and they are cutting education budgets. They know that the Federal Government gets all of its tax moneys from cities and towns and villages. We cannot say that Federal money is Federal money; therefore, it should never be used for education. People have a right to ask for some of the money back for education. Education is as legitimate an activity and function as any other if it is needed.

So the vision of the elite, the majority Republicans here, have an elite vision, a vision to take care of the elite. The over-class will be taken care of. The over-class will be pampered and enhanced. The over-class will be enriched. The over-class will receive a tax cut. We will give them money while we are cutting programs, vitally needed programs from everybody else.

That is their vision of America. Take care of the elite. Take care of the small group that went out to vote in 1994, November 1994. They came out and they voted and they always come out to vote. There is correlation between wealth and voting.

The richest vote 100 percent of the time and the middle-class vote 75 percent of the time. It is at the bottom, the people who are the poorest and need the help from the Government the most, the social contract benefits the most, who do not understand the relationship between their vote and public policies.

The present majority has an agenda which says we will take care of those that we know vote. Their votes are guaranteed. If we take care of them in abundant ways and guarantee that all of the nuisances of a few extra taxes here and tax regulations there, if everything that in any way is a cobweb in their lives is removed, then we shall prevail. They will support us and we shall prevail because, after all, they are the big contributors.

It is assumed that this process can go forward and they can continue to make these gigantic budget cuts, like the one that has just been made in the Health and Human Services and Education and Labor budget, and that no one will intervene; that all of us citizens can only sit back and watch, because if they have the majority, they can pass the bills.

We can only wait to 1996, and they are hoping that we believe that is all we can do and, therefore, we will wait until 1996. The great majority of Americans who are affected by these cuts will be demoralized and think that there is no hope or they will believe, like the lady who says, ''I am ready to make my sacrifice, the Government is out of money and, therefore, I will suffer gladly for my country.''

They believe they can prevail by sowing these kinds of lines of confusion out there, but they are not correct in assuming. Americans, the caring majority out there, the great majority who will be impacted by these cuts, my appeal is that you get up and start acting right now. My appeal is that you start understanding what is at stake right now.

Public opinion is a very real force in our deliberations here. Every Member of Congress, Republican or Democrat, is watching public opinion. Every Member of Congress who wants to come back here cannot afford to ignore public opinion, and it is not generated out of thin air. People act. You have to tell your neighbors to wake up. There is a vision of America that is a dangerous one for us, and there is a vision of America which will destroy America for the majority of Americans.

There is a vision of America which is really un-American, because it is geared toward an elite group, and over-class, an oligarchy. It is totally contradictory in respect to what this country is about.

There is a vision of America that says we do not need public school education because we can educate our children or we can have privatization of education and accomplish more that way. Those of us that have some money and can afford to pay some portion of the cost can participate in the privatization process. We will educate our children.

That vision of America is totally wrong because they are assuming that this country can exist with just an educated elite, with just a portion of the population educated. They have missed the point of America. They have missed the point that we are different from Europe and this country was built into a powerful Nation over a relatively short period of time because it reached out and provided opportunities for everybody. It reached out and made an attempt to provide education for everybody.

In a modern society, a very complex modern society, the geniuses or the technicians and the scientists cannot be effective unless the people under them, the mechanics, the literacy level, the scientific literacy, the computer literacy of the total population contributes to what the elite over-class is able to accomplish.

They will not prevail and they will not succeed, but they do not know this. They are going to try to take a shortcut and pamper, humor, take care of just the over-class and assume that they can build a nation on that.

It is a vision that is a flawed vision. It is a vision that is the wrong vision and we need to offer another vision. That is why we did the Congressional Black Caucus budget, which had no chance of passing. We went through the motions and put it on the floor because we wanted to offer a different vision of America. We wanted to offer a vision of America which ran counter to the elitist vision. We wanted to show that you can have a great American Nation that is not elite.

You can even balance the budget. You can balance the budget by eliminating the real waste. The real waste in defense, so the Congressional Black Caucus cut it by $350 billion over a 7-year period, a $350 billion cut. You can balance the budget if you do one other thing, which has to be part of the discussion.

The old lady who believes that America is bankrupt and broke should know that over the last few decades the amount of money being contributed to help balance the budget by corporations, the revenue stream, revenue from corporations, has gone down since 1943 from a high point of 40 percent. The tax burden was borne by corporations by about 40 percent in 1943.

□ 1730

Forty percent of our overall tax burden was borne by corporations, 27 percent was borne by individuals and families. Over the last few decades, it has dropped from 40 percent to as low as 8 percent in 1980. The corporate burden, the corporate share of revenue, dropped as low as 8 percent in 1980 and it is now at 11 percent.

So of the money we raise from taxes, through taxes, taxation, revenue that is needed to run the Government, only 11 percent of that is contributed from corporate income.

At the same time, individual taxes rose from 27 percent of the overall tax burden to 44 percent. We are paying 44 percent of the tax burden in 1995. In 1943, we were paying about 27 percent.

So if people are angry about the fact that they as an individual and their family, they are paying too many taxes, their tax bill is too high, I agree with them. They are right.

In order to relieve the tax burden, what we need to do is to return to some kind of fairness with respect to the corporate portion of the tax burden.

In our Congressional Black Caucus budget, the major way we balanced the budget was to raise the corporate tax burden up to the level of 15 percent. From 11 to 15 percent is not a great jump, but as you move it up, you create the possibility of balancing the budget without having to make cuts in Medicare, cuts in Medicaid. We even increased the budget for education by 25 percent. Education and job training budget was increased by 25 percent.

So in this rich Nation of ours, we do not need to sacrifice the elderly. We do not need to sacrifice the health care of the elderly. We do not need to sacrifice school lunches. What we do need to do is have our own vision of America projected.

The vision should include fairness in the tax burden. The bearing of the tax burden should be fair. When people fill out their income tax in April, the corporations should lessen their burden by shouldering more of the burden themselves.

I am in favor of a tax cut. The majority of Republicans are not alone in the

proposal for a tax cut. We are in favor of a tax cut. In our Congressional Black Caucus budget, we propose a tax cut for the poorest Americans and we were able to give the tax cut at the same time we kept Medicare at the same level. We kept Medicaid at the same level. We were still able to give a tax cut to the people who need it most.

I am in favor of more tax cuts for individuals and families, but that can be done only if we raise the tax burden for the corporations who have gotten away with buying out the Committee on Ways and Means over the last few decades. That Committee on Ways and Means that I said was so powerful before, their collusion with the corporations of America took the tax burden for corporations down from 40 to 8 percent in 1980, and now it is just 11 percent.

Those are the people who want to bring us a new approach to taxes. They are talking about a flat tax. There are proposals for new taxes. In our discussion of what the vision of America should look like, we should not forget the revenue side. Liberals, progressives, Democrats, do not talk much about taxes in terms of revenue that has to be produced to keep our Nation going at the quality level that we think is necessary. We do not deal much with tax proposals. Only in reaction to Republicans do you define progressives, Democrats, and liberals.

These are terrible names out of the mouths of some, but these are the people who have made America great. Franklin Roosevelt was a liberal. Lyndon Johnson was a liberal. Harry Truman was a liberal. The people who have made America great have not talked enough about taxes, and the organizations now which focus on the budget and appropriations process do not talk enough about the need to deal with creative taxation, creative revenue enhancement.

How do we get more revenue with less pain? How do we relieve the American families and individuals of the burden of more taxes while we get the taxes that are necessary to run the Government? That is a question that is not discussed enough.

It has to be discussed at every level. State governments are crying they have no more revenue sources. They want to give tax cuts to individuals and businesses in many cases, and everybody sits around mentioning the fact that we have to make these draconian cuts because there is just no more money.

There are plenty of resources in the richest country that ever existed in the face of the history of the Earth. There were resources that were given by God still out there in our minerals. In the Midwest we give away gold mines, we give away uranium mines. We let people take these Government lands and mine minerals and we do not ask for a royalty. We ask for a minimum payment for land that belongs to the citizens. We can get more money into our revenue stream if we were to take a different approach and not give away our resources, our land resources out there in the West, Midwest and Far West.

There is a great controversy about grazing land. Public grazing land is used by private ranchers. They pay one-tenth of the cost of the grazing land that they would pay if it was private land, one-tenth of the cost, and then they complain about that. They are complaining about Government intruding. They want to take it all. They do not want to pay anything. They do not want Government officials around watching them as they take advantage of the resources that belong to all Americans and then they complain about Government being on their back.

In the plan that was proposed by the Congressional Black Caucus, and I served as the chairman of the Congressional Black Caucus Alternative Budget Task Force. A plan was proposed by both the Congressional Black Caucus and the Progressive Caucus in the revenue area to give tax relief to working Americans.

We wanted to reduce the taxes of working Americans by $112 billion over this 7-year period. We proposed to enact a tax credit equal to 20 percent of an individual's FICA contribution, up to $200 per person annually. That means that everybody would get—take advantage of that, but we would go no higher than the $200 per person annually.

It would be a small tax cut, but it would be symbolic, and it would be just a beginning. We would be proposing additional tax cuts for individuals and families because there is an imbalance. Individuals and families are paying too much of the tax burden. Corporations are paying too little.

A vision of America and the future, a vision of America which is able to provide education for all who need education, a vision of America that can provide nursing home care for the elderly, Medicare, Medicaid, a vision of America that can provide decent housing for all Americans, that vision must include a revenue stream that will pay for all of that and we should not leave it to the Republicans to determine what that revenue stream is going to be. We have to work it out also.

In our proposal, the body of our budget proposal, we propose that there should be established a commission on creative revenues. Just as we have a base closing commission after decades of trying to do it through the political channels and running into partisan politics, the only way we have made headway in closing bases, military bases, is by appointing a commission to make the recommendations.

Congress has the final vote. Congress has the final vote. But the commission deliberates and looks at things in a rational way and proposes which bases should be closed. We need a commission to look at revenue possibilities, look at tax laws and the possible revisions of tax laws.

Give that commission time to operate, time to deliberate. Give them whatever they need. Let them bring back recommendations to the Congress instead of it coming out of the Committee on Ways and Means, which is corrupted.

The Committee on Ways and Means is a major part of the problem, never a part of the solution because they have allowed corporations to take over the committee. How else would you explain a drop in the share of the revenue burden by the corporations?

The corporations were paying only 8 percent of the tax burden in 1980 and 11 percent in 1995, whereas they were paying 40 percent in 1943. They control the Committee on Ways and Means. They got the laws enacted which allowed them to pay less and less taxes all the time.

Do not go to the Committee on Ways and Means if you want justice in taxation. If you want justice in terms of the tax burden or the way it is borne in this country, leave out the Committee on Ways and Means. Have a tax commission, a specially appointed commission bring to the total Congress recommendations about where America should go in the next 7 to 10 years.

The majority of the House and Senate have proposed a 7-year balancing the budget. The President has proposed a budget balancing process that will go over 10 years. I agree with the President. Why have the extra pain and suffering that is caused by trying to do it in a 7-year period?

There is no great pressing emergency. We are not at war. There are no reasons why we cannot, if we want to balance the budget, do it over a 10-year period, rather than 7-year period.

Either way you do it, we should look more at the revenue problem. It is not just a matter of expenditure. As I said before, in our revenue section of the Congressional Black Caucus budget, the carrying majority budget for the Congressional Caucus was well as the Congressional Black Caucus, we proposed tax relief for working Americans over the 7-year period which would be a $112 billion tax cut. It is not as much as the 320-some-billion-dollar cut that is being proposed by the Republicans.

The Republican majority is proposing a 320-plus-billion-dollar tax cut over a 7-year period for the richest Americans, for the richest people in the country. They would benefit the most. That kind of tax cut will not help the situation. It will only make it more difficult.

We also supported tax provisions in President Clinton's budget. We supported an effort to enhance tax compliance. We supported eliminating loopholes for multinational corporations. One of the ways that corporations get away with paying so little a portion of the revenue burden is that they have these loopholes like the following: If you change the foreign tax credit that

is given to multinational corporations, if you change the tax credit to a tax deduction, just that change would increase the amount of revenue gained over a 7-year period to $71 billion. We would get an additional $71 billion.

Reform taxation of the income of multinational corporations, get another $86 billion. Capital gains reform would produce $67 billion. Corporate income tax reform, by eliminating the accelerated depreciation tricks, we could eliminate $162 billion over a 7-year period and on and on it goes.

If you look at the revenue side and you look at how corporations continue to evade their fair share of burden, you would find that there are great things that could be done. There are also other creative processes that could be undertaken to generate revenue.

We have just passed a telecommunications bill on the floor of the House. Telecommunications is an industry which 50 years ago was a very tiny industry compared to steel, compared to transportation, but telecommunications is the industry of the future. Telecommunications makes something almost out of nothing. They do not have the burden of having to have a source of natural resources, iron, ore or coal, good weather.

It is all a matter of imagination and the way you manipulate the resources. You have to use technology to provide entertainment, to provide information. Technology has made the communications industry the technology industry, the telecommunications industry the industry of today and the industry of the future. Millions, billions of dollars are being made by people who are merely creative, clever, smart.

Now, I have no problem with that. Making money is part of what the capitalist system is all about, but the capitalism of today and the capitalism of tomorrow should understand that taxation is the duty, the proper tax policies, tax policies which are fair and tax policies which go after those who are making the resources, making the money. They have the resources; they should be taxed.

Telecommunications depends on the airwaves. The airwaves belong to all Americans. Broadcasting is regulated by the FCC because we do not have enough for everybody to have one as they see fit. It has to be regulated. It is a scarce resource. Because it is a scarce resource, it belongs to the American people.

□ 1745

The American people have a right to demand that they get more revenue from those resources. We also now are selling off spectrums up there above us, spectrums for a different kind of communication, not just broadband broadcasting. We have gotten commitments of $9 billion already.

That should have a special taxation. We are selling it and the Government will reap a one time benefit of $9 billion for the contracts that are already under way. Why not have it permanently taxed so that future generations, as long as the Nation exists and the airwaves are above our heads, can benefit from that because it belongs to everybody.

There was a motion on the floor, an amendment to require any drug companies that benefit from Federal research to pay a portion of that back in terms of lower drug prices. I say we should go further.

Any company, whether it is a drug company or a telecommunications company, any company that benefits from Federal research have the Government as a permanent partner. There should be royalties on the products forever.

We have numerous products that would not exist had it not been for military research—radar, computerization, all kinds of components of this big telecommunications revolution, and the great technological revolution, all of those components were developed through military research paid for by the American people.

Why not have a royalty so that the American people every time a product is sold will benefit from the research that they paid for? On and on it goes.

I want to close out by just saying that what I am trying to talk about is the fact that we have reached a landmark, a milestone, a major milestone in the process of remaking America.

I take Speaker GINGRICH and the majority Republicans very seriously when they say they are going to remake America, I believe that they are really going to try to do that, and they are smart enough to do what they say they are going to do if we do not stop them.

I am all for remaking America, thinking as we go into the 21st century a vision of a new America is a proper vision. But what shall that vision be? I see a vision of an America that is the richest Nation on the face of the earth, the richest Nation that ever existed, and its resources are used in a way which benefits every American, resources are used in ways that benefit all Americans for education, for health care.

The question is, Is the United States of America a Nation for the rich and powerful only? Shall the great majority of the population remain immobile while it is reduced to a status of urban serfs or suburban peasants?

Shall the resources of the richest Nation that has ever existed in the history of the world be used primarily for the benefit of an oppressive elite minority or shall it be used for the benefit of all the people and shall a caring majority rise up and let it be known that they are going to determine what America looks like in the 21st century and it is going to be an America for everybody, an America that is fair, an America that is living up to the hope of the Constitution.

Our job is to promote the general welfare, that is the welfare for everybody, not to cut school lunches, not to cut medicare, not to make life painful for the elderly and the weak. Our job is an America which has compassion.

MY ADVICE TO THE PRIVILEGED ORDERS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that I may claim the remaining time to address the House.

The SPEAKER pro tempore (Mr. FOX of Pennsylvnia). Without objection, the balance of the time allocated to the minority leader is allocated to the gentleman from Texas [Mr. GONZALEZ].

There was no objection.

Mr. GONZALEZ. Mr. Speaker, 75 years ago, on August 18, 1920, the nineteenth amendment to the Constitution was ratified, giving women the right to vote after a long, bitter struggle. It is hard to imagine today a world in which women could not even vote and yet, that right has been established for a mere 75 years.

And we are on the eve of a somber anniversary: the beginning of the age of nuclear terror, and the end of the gigantic slaughter that was World War II. For 50 years, we have lived under the shadow of nuclear obliteration; and while we now have reason to hope that the future of the world does not depend on terror, we do not truly know whether 50 years from today, the world will celebrate a century free of nuclear war. We can only hope that this past 50 years will lead to another, and that the world will at last be free from the terror of mass war.

There is another anniversary to celebrate: the 30th birthday of Medicare—the liberation of this Nation's elderly from the oppression of unaffordable, inaccessible medical care. Today there are 37 million Americans with the right to Medicare benefits. Not only has this liberated people from the fear of financial catastrophe because illness, it has made a huge difference in the quality and vitality of our senior citizens. Imagine this: in just 25 years the life expectancy of Americans jumped by a full 10 percent, from 70 to 76. Thanks to Social Security and Medicare, poverty and fear are no longer the universal fear of elderly Americans; they are not banished by any means, but there can be no doubt whatever that Medicare was the greatest emancipator of senior citizens in our history.

The central struggle of human existence is against fear: what Franklin Roosevelt decried as ''blind, unreasoning fear.'' And he defined very well what should be the enduring goal of every government and every citizen: We look forward to a world founded upon four essential freedoms.

The first is freedom of speech and expression—everywhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want.

The fourth is freedom from fear.

As much as anything, those brief lines sum up the struggles of history, and especially the struggles of our time. For all the struggle and slaughter of this century, all the scientific

progress, all the fantastic accumulation of goods, has been a more or less determined struggle to liberate human oppression and from the fear of those terrible threats. It is not a new struggle, but in this century, perhaps more than any other in history, we have the sense that it can be won; that humanity can be freed of these old and awful terrors.

Of course the struggle does not take place in a smooth and predictable way; the miracle of antibiotics has ended the terror of some diseases, but new plagues appear; and the miracles of computers give us powers to process unimaginable amounts of information, but we lose individual privacy; and while revolutionary advances occur almost routinely, we live in growing fear of crime and violence. This uneven, unpredictable progress of humanity was very well described by Matthew Arnold, more than 100 years ago:

And we are here as on a darkling plain,
Swept with confused alarms of struggle and flight,
Where ignorant armies clash by night.

In other words, we struggle on, sometimes blindly and in confusion, in the belief and hope that we can prevail, that there will be a better day, and that humanity can improve itself. If we can establish the four freedoms, if we can banish those elemental fears of poverty and oppression—then all the struggles of this century, and all the others before it, will at long last secure us the comfort that while life lasts, it can be lived in freedom, real freedom.

For if we abandon the struggle, we will surrender to the kind of cynicism that Sir Walter Scott long ago described in his skillful dissection of the Government of England. This comment is in the form of a last will and testament supposedly written by the mythical John Bull, the equivalent of our own Uncle Sam. This fictional last will said:

I leave to my said children a great chest full of broken promises and cracked oaths, likewise a vast cargo of ropes made of sand.

If our Government breaks faith with us, that is the kind of legacy we will inherit.

And so on this 75th anniversary of women's right to vote, and on this 50th anniversary of the nuclear age, and on this 30th anniversary of Medicare, we must renew our faith. Each one of these anniversaries is a revolutionary change; each one came after a long struggle; and each one must be jealously protected. The freedom to vote and have a voice is a new and precious, priceless thing; the nuclear bomb will either establish sanity among the nations or destroy them; and the promise of Medicare must be nurtured and guarded, lest it turn into ''great chest of broken promises and cracked oaths.''

The problem of every generation is to keep from sliding backward. Today's generation is facing a harder struggle than some: for during the past 15 years the average American worker has seen real wages decline steadily. There is a real decline in all kinds of indices of personal economic security: wealth is increasingly concentrated in fewer hands; ordinary workers for a while stayed even by adding part time jobs, or by having a working spouse, but last year the number of families with two earners actually declined—meaning that adding a second income has just about reached its limit, and more and more families are seeing a growing gap between what they earn and what they need. In addition, the number of people in this country who are working strictly as temporaries is growing by leaps and bounds: these are folks who have little or no health insurance, and little or no retirement plan, and little or no hope of breaking out of temporary work and into a real career. These are not just kids working for the summer; and these are not clerks and laborers: increasingly, they are professionals including accountants, managers and lawyers. In other words, we are living in a time when personal economic security for a growing number of millions of people is evaporating, and for them, the future looks more fearful than promising, and more like a treadmill that runs faster and faster, rather than a road that rises to a brighter tomorrow.

This new insecurity and the fear that it gives birth to, is a very large component of what is often called the politics of resentment—which is politics that exploits the fear that someone else is gaining ground that ought to belong to you. It is politics built on the notion that your problems are the fault of somebody else. It is politics built on creating divisions and exploiting the fears that arise from those divisions.

And how different this is from Lincoln's vision, delivered in his message to Congress, July 4, 1861, describing the government that the Civil War would soon be fought to preserve in these words:

''. . . government whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start, and a fair chance in the race of life.''

Those are words that could have been spoken by a Franklin Roosevelt, a John F. Kennedy or a Harry Truman—but can you imagine Phil Gramm saying words like those? Lincoln would be embarrassed by his party's retreat from his commitment to human decency and a Government dedicated to a new birth of freedom.

It saddens me to see that the rulers of today's Congress want to slash and burn programs that are intended to—and have—lifted artificial weights from the shoulders of men by improving schools and making education affordable to all; and killing programs that create the dignity of productive work; by killing health research; by cutting Medicare itself; by killing virtually all opportunities to develop affordable housing; and even by prohibiting the issuance of regulations that establish safe limits for arsenic in drinking water, or regulations that make meat inspection far more effective and efficient; and by actions that altogether are intended to give the rich and powerful even greater advantages than they already enjoy, while throwing bars and locks on the courthouse doors, so that ordinary people can't even sue to correct wrongs. Far from a government that would lift artificial weights from all shoulders or one that works to clear the paths of laudable pursuit for all the new masters of Congress are throwing new weight on the backs of the poor, building new obstacles for women and placing fetters around the legs of everyone who starts life from a poor position.

What a tragedy, that the Republican party should fall into the hands of its wildest, most unrestrained ideologues, whose actions daily become more oppressive and even irrational.

But the politics of fear on which they depend cannot forever be exploited. There comes a time when people demand more than the entertaining diversions of Willie Horton ads, or of showboat investigative hearings; there comes a time when people want to know how the Government will help them win greater control over the forces that no individual can overcome alone. How are we going to endure that senior citizens continue to live in dignity, decency and security? How are we going to ensure that we are not going to have a newly impoverished generation? How are we going to ensure that the people of this country who have historically been denied a decent chance, actually do get that chance?

Those are the real issues of our time.

Through all our history, the sole purpose of Government in this country has been, as the Pilgrims wrote in the Mayflower Compact, to . . . combine ourselves together into a civil Body Politick, for our better Ordering and Preservation . . . And . . . do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and offices, from time to time, as shall be thought most meet and convenient for the General Good of the Colony . . .

And so as I said, we are here to celebrate the unity of generations.

On this anniversary of Medicare, let us resolve never again to abandon whole generations to the daily threat of bankruptcy, in order to get decent medical care.

Let us honor the tens of millions slaughtered in the wars of this century, by promising that we will do everything possible to end nuclear terror and mass war; because we can in no other way keep faith with the generations who made those sacrifices, and those new generations whose lives hang in the balance.

And let us guard jealously our right to speak and be heard, our right to vote and our duty to be good, active and involved citizens.

Above all, let us hold accountable those who today seek to dishonor the

commitment this country has had from its very beginning, . . . to enact . . . just and equal laws. The course of our progress has been too difficult, the struggle for protection of minorities, protection of our environment—and even the dignity, decency and freedom of Medicare; these things are too precious, too hard-won, and too vital for us to abandon. Let us keep faith with all generations, and with each other. Let us remember and honor and affirm the goal of the Lincolns, who struggled for a . . . government whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders . . . to afford all an unfettered start, and a fair chance in the race of life.

And let us at the same time hold accountable those who today seek to drive us backward. Such reactionaries have always plagued humanity, but if we are true to ourselves and to the generations that came before and go after us, we will never allow our government to bequeath us broken promises and cracked oaths and we will not see voting rights reduced nor Medicare's strong net reduced into ropes of sand.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of GEPHARDT), for today, on account of personal business.

Mr. SCARBOROUGH (at the request of Mr. ARMEY), for today on account of inspecting damage by Hurricane Erin.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE. for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. HOKE) to revise and extend their remarks and include extraneous material:)

Mr. HOKE, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. HORN, for 5 minutes each day on September 6, 7, 8, and 12.

Mrs. SEASTRAND, for 5 minutes, today.

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 6, 1995

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

The motion was agreed to.

The SPEAKER pro tempore. (Mr. FOX of Pennsylvania).

Pursuant to the provisions of House Concurrent Resolution 92 of the 104th Congress, the House stands adjourned until 12 noon on Wednesday, September 6, 1995.

Thereupon (at 6 o'clock and 17 minutes p.m.), pursuant to House Concurrent Resolution 92, the House adjourned until Wednesday, September 6, 1995, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the House of Representatives during the second quarter of 1995 in connection with official foreign travel, as well as a consolidated report of foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker of the House of Representatives during the second quarter of 1995, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Scott D. McCoy	4/17	4/23	Hong Kong		2,184.00						2,184.00
Commercial airfare							2,732.15				2,732.15
Andrew W. Baker	4/18	4/21	Hong Kong		1,456.00						1,456.00
Commercial airfare							2,636.95				2,636.95
Committee total					3,640.00		5,369.10				9,009.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAT ROBERTS,
Chairman, July 26, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J.C. Watts, Jr	5/29	6/01	Nigeria		966.00		4,405.15				5,371.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES A. LEACH,
Chairman, July 28, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Susan D. Sheridan	3/27	4/1	Germany		1,524.00		3,197.85				4,721.85
Catherine G. Van Way	3/31	4/8	Germany		2,286.00		3,197.85				5,483.85
Hon. Bart Gordon	4/9	4/13	Romania		1,193.00		3,542.25		[5] 86.99		4,822.24
Hon. Henry Waxman	4/9	4/16	Israel		[3] 280.00		([4])				280.00
Committee total					5,283.00		9,937.95		86.99		15,307.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Official business conducted 4/9/95 to 4/11/95. Other time was personal.
[4] Congressman purchased airline ticket with frequent flyer miles accumulated.
[5] Driver services for 4/10/95 and 4/13/95.

TOM BLILEY,
Chairman, July 27, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William Thomas	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Committee total					3,113.00						3,113.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS,
Chairman, July 25, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary Ackerman	4/19	4/10	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
Commercial airfare							3,127.95				3,127.95
Hon. Cass Ballenger	4/25	4/28	Guatemala		[4] 38.33						38.33
Commercial airfare							927.95				927.95
Paul Behrends	4/8	4/9	Italy		0.00						0.00
	4/10	4/11	Pakistan		0.00						0.00
	4/12	4/15	Thailand/Vietnam		1,295.99						1,295.99
	4/15	4/18	Singapore/Malaysia		422.00						422.00
	4/18	4/21	Cambodia/Thailand		0.00						0.00
	4/22	4/25	Philippines		0.00						0.00
Commercial airfare							6,358.43				6,358.43
Representation									255.00		255.00
FSN									561.30		561.30
Transportation									25.88		25.88
	5/27	6/2	Thailand/Laos		[4] 1,003.45						1,003.45
Commercial airfare							3,947.95				3,947.95
Hon. Doug Bereuter	4/27	4/29	Belgium		729.00						729.00
Commercial airfare							1,547.00				1,547.00
Paul Berkowitz	4/10	4/13	Hong Kong		639.05						639.05
	4/13	4/15	H.K.		628.00						628.00
	4/16	4/20	Australia		876.00						876.00
Commercial airfare							6,600.95				6,600.95
	5/26	5/29	Lithuania		500.00						500.00
Commercial airfare							3,351.75				3,351.75
Debi Bodlander	4/21	4/23	Egypt		405.00						405.00
	4/23	4/28	Israel		1,525.00						1,525.00
Commercial airfare							2,222.05				2,222.05
Richard Bush	4/11	4/12	Hong Kong		[4] 528.00						528.00
	4/12	4/14	Singapore		406.00						406.00
	4/14	4/18	Vietnam		1,550.00						1,550.00
	4/19	4/22	Philippines		[4] 570.00						570.00
Commercial airfare							4,219.45				4,219.45
Laura Byme	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Richard Cronin	4/11	4/12	Hong Kong		[4] 528.00						528.00
	4/12	4/14	Singapore		406.00						406.00
	4/14	4/18	Vietnam		1,550.00						1,550.00
	4/19	4/22	Philippines		760.00						760.00
Commercial airfare							4,219.45				4,219.45
Elizabeth Daoust	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Mike Ennis	4/27	4/29	Belgium		644.00						644.00
Commercial airfare							1,547.00				1,547.00
Hon. Eni Faleomavaega	4/8	4/9	Italy		141.00						141.00
	4/10	4/11	Pakistan		0.00						0.00
	4/12	4/12	Thailand		0.00						0.00
Commercial airfare							6,244.35				6,244.35
David Feltman	4/10	4/12	Angola		0.00						0.00
	4/13	4/18	South Africa		[4] 1,573.00						1,573.00
	4/19	4/19	Mozambique		280.00						280.00
	4/20	4/21	South Africa		0.00						0.00
Commercial airfare							6,415.15				6,415.15
Beth Ford	4/7	4/12	Peru		1,305.00						1,305.00
Commercial airfare							1,687.95				1,687.95
Mark Gage	5/28	6/3	Ukraine		[4] 1,328.00						1,328.00
	6/3	6/4	Netherlands		210.00						210.00
Commercial airfare							3,444.85				3,444.85
Richard Garon	6/23	6/26	Haiti		658.00						658.00
Commercial airfare							648.95				648.95
	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
Commercial airfare							971.95				971.95
Hon. Sam Gejdenson	5/13	5/14	Egypt		406.00						406.00
Commercial airfare							4,406.25				4,406.25
Hon. Benjamin Gilman	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00.
David Jung	4/19	4/20	Ireland		279.00		(3)				279.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Gil Kapen	4/16	4/20	Mexico		843.00						843.00
	4/20	4/23	Nicaragua		729.00						729.00
Commercial airfare							1,316.75				1,316.75
Peter King	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
John Mackey	4/7	4/12	Peru		1,305.00						1,305.00
Commercial airfare							1,687.95				1,687.95
	4/16	4/23	Ireland		1,674.00						1,674.00
Commercial airfare							2,308.25				2,308.25
Dan Martz	4/11	4/12	Hong Kong		[4] 558.00						558.00
	4/12	4/14	Singapore		[4] 406.00						406.00
	4/14	4/18	Vietnam		[4] 1,550.00						1,550.00
	4/19	4/22	Philippines		[4] 520.00						520.00
Commercial airfare							4,219,45				4,219.45
Lester Munson	4/10	4/12	Angola		0.00						0.00
	4/13	4/18	South Africa		[4] 1,573.00						1,573.00
	4/19	4/19	Mozambique		280.00						280.00
	4/20	4/24	South Africa		0.00						0.00
Commercial airfare							6,415.15				6,415.15
Roger Noriega	4/7	4/12	Peru		1,305.00						1,305.00
Commercial airfare							1,687.95				1687.95
	4/16	4/19	Mexico		843.00						843.00
	4/20	4/23	Nicaragua		729.00						729.00
Commercial airfare							1,274.98				1,274.98
	6/23	6/26	Haiti		658.00						658.00
Commercial airfare							648.95				648.95
Steve Rademaker	6/23	6/26	Haiti		658.00						658.00
Commercial airfare							648.95				648.95
John Mackey	4/11	4/12	Hong Kong		[4] 4364.00						364.00
	4/12	4/14	Sinapore		406.00						406.00
	4/14	4/18	Vietnam		1,550.00						1,550.00
	4/19	4/22	Philippines		[4] 570.00						570.00
Commercial airfare							4,219.45				4,219.45
Grover Rees	4/10	4/13	Thailand		[4] 541.98						541.98
	4/13	4/17	Hong Kong		1,256,00						1,256.00
Commercial airfare							2,778.95				2,778.95
Dan Restrepo	4/16	4/19	Mexico		843.00						843.00
	4/20	4/23	Nicaragua		729.00						729.00
Commercial airfare							1,205.95				1,205.95
	6/23	6/26	Haiti		658.00						658.00
Commercial airfare							648.95				648.95
Ed Rice	4/9	4/13	South Korea		1,263,32						1,263.32
Commercial airfare							1,110.95				1,110.95
Hon. Dana Rohrabacher	4/8	4/9	Italy		0.00						0.00
	4/10	4/11	Pakistan		0.00						0.00
	4/12	4/15	Thailand/Vietnam		1,295.99						1,295.99
	4/15	4/18	Singapore/Malaysia		422.00						422.00
	4/18	4/21	Cambodia/Thailand		0.00						0.00
	4/22	4/25	Philippines		0.00						0.00
Commercial airfare							6,358.43				6,358.43
	5/27	6/2	Thailand/Laos		1,583.00						1,583.00
Commercial airfare							4,291.08				4,291.08
Hon. Toby Roth	4/9	4/13	South Korea		1,263.32						1,263.32
Commercial airfare							1,110.95				1,110.95
Mara Rudman	6/23	6/26	Haiti		[4] 430.00						430.00
Commercial airfare							648.95				648.95
Marc Sievers	4/24	4/26	Israel		[4] 590.00						590.00
Commercial airfare							1,522.25				1,522.25
Linda Solomon	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Mauricio Tamargo	4/10	4/12	Angola		316.59						316.59
	4/13	4/18	South Africa		182.00						182.00
	4/19	4/19	Mozambique		0.00		5,698.25				5,698.25
	4/20	4/21	South Africa		0.00						0.00
Commercial airfare							5,698.25				5,698.25
Scott Wilson	4/16	4/19	Mexico								0.00
	4/20	4/23	Nicaragua								0.00
Commercial airfare							1,205.95				1,205.95
Mike Van Dusen	4/21	4/23	Egypt		408.00						408.00
	4/23	4/27	Israel		1,202.00						1,202.00
Commercial airfare							2,222.05				2,222.05
Committee total					73,857.02		120,818.17		842.18		195,517.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Represents refund of unused per diem.

BEN GILMAN,
Chairman, July 31, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [2]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Hong Kong, Thailand, Singapore, Abu Dhabi, Bahrain, Kuwait and Turkey, April 11–24, 1995:											
Hon. Floyd D. Spence	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [2]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/19	4/20	Bahrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Hon. Solomon P. Ortiz	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
Hon. Tillie Fowler	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00
	4/19	4/20	Bahrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Hon. Owen Pickett	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00
	4/19	4/20	Bahrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Hon. Howard McKeon	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00
	4/19	4/20	Bahrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Dr. Andrew K. Ellis	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
Transportation							1,491.95				1,491.95
Marilyn A. Elrod	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
Transportation							1,184.54				1,184.54
Peter M. Steffes	4/10	4/12	Hong Kong		728.00						728.00
	4/12	4/15	Thailand		612.51						612.51
	4/15	4/18	Singapore		759.00						759.00
	4/18	4/19	Abu Dhabi		141.00						141.00
	4/19	4/20	Behrain		150.00						150.00
	4/20	4/21	Kuwait		0.00						0.00
	4/21	4/24	Turkey		629.00						629.00
Delegation expenses	4/12	4/15	Thailand				217.87		3,296.76		3,514.63
	4/18	4/19	Abu Dhabi						166.00		166.00
Visit to Italy, April 23–25, 1995:											
Hon. James B. Longley, Jr	4/23	4/25	Italy		365.00						365.00
Transportation							572.65				572.65
Visit to Cuba, Panama, and Costa Rica, April 26–May 1, 1995:											
Hon. Herbert H. Bateman	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
	4/28	5/1	Costa Rica		609.00						609.00
Hon. Norman Sisisky	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
	4/28	5/1	Costa Rica		609.00						609.00
Hon. Gene Taylor	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
Transportation							336.95				336.95
Hon. James B. Longley, Jr	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
	4/28	5/1	Costa Rica		609.00						609.00
Jeffrey M. Schwartz	4/26	4/26	Cuba		0.00						0.00
Transportation	4/26	4/27	Panama		189.00				331.95		189.00
											331.95
Hugh N. Johnston, Jr.	4/26	4/26	Cuba		0.00						0.00
	4/26	4/28	Panama		378.00						378.00
	4/28	4/29	Costa Rica		202.55						202.55
Transportation							321.45				321.45
Hon. Robert K. Dornan	6/24	6/25	Italy		330.00						30.00
Transportation							0.00				0.00
Committee total					24,381.63		4,457.36		3,462.76		32,301.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE,
Chairman, July 26, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Amo Houghton	6/23	6/24	Switzerland		(4)				[4] 212.00		212.00
Commercial airfare							3,938.55				3,938.55
Hon. Sander Levin	6/23	6/25	Switzerland		[5] 590.00						590.00
Commercial airfare							2,423.55				2,423.55
Hon. Mac Collins	4/22	4/25	Belgium		981.00		(3)				981.00
	4/25	4/28	Italy		870.00		(3)				870.00
	4/28	4/30	England		592.00		(3)				592.00
Hon. Charles B. Rangel	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Committee total					6,146.00		6,362.10		212.00		12,720.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Hotel accommodation for one night, no per diem received, paid for by Mr. Houghton.
[5] Applied for/not yet received.

BILL ARCHER,
Chairman, July 30, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LATIN AMERICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 30 AND JUNE 5, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Kolbe	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Thomas Cass Ballenger	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Henry Bonilla	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Mike Castle	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Jennifer Dunn	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. James Greenwood	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Marshall Sanford	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Matt Salmon	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. Eliot Engel	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Hon. John Tanner	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Michael Boyd	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Martha Morrison	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Meredith Broadbunt	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Roger Noriega	5/30	5/31	Brazil		594.75		(3)				594.75
	6/1	6/2	Argentina		584.00		(3)				584.00
	6/3	6/5	Chile		510.00		(3)				510.00
Committee total					23,642.50						23,642.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, III
July 21, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. KENT SYLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 9 AND APR. 13, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kent Syler	4/9	4/13	Romania,		1,193.00		3,856.35				5,049.35

[1] Per diem constitutes loding and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

T. KENT SYLER.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GARDNER G. PECKHAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 9 AND APR. 15, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gardner G. Peckham	4/9	4/11	Austria	3,941.28	408.00		2,882.15				
	4/11	4/15	United Kingdom	618.02	984.00					618.02	984.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM,
April 30, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. GREG LAUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 25, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Greg Laughlin		4/14	United States		None						0.00
	4/15	4/17	Kazahkstan		558.00						558.00
	4/17	4/18	Turkmenistan		257.00						257.00
	4/18	4/19	Azerbaijan		228.00						228.00
	4/19	4/20	Georgia		197.00						197.00
	4/20	4/20	Armenia		None						0.00
	4/20	4/20	Turkey		177.00						177.00
	4/21	4/22	Turkey		226.00						226.00
	4/22	4/25	Russia		1,008.00						1,008.00
	4/25		United States		None						0.00
Charter flight w/in central Asian countries	4/14	4/25					4,072.00				4,072.00
Roundtrip airfare U.S./Russia (Delta)	4/14	4/25					3,017.95				3,017.95

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. GREG LAUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 25, 1995—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					2,651.00		7,089.95		0.00		9,740.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GREG LAUGHLIN,
July 26, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. KEITH JEWELL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND APR. 29, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Keith Jewell	4/19	4/20	Ireland		279		([3])				279
	4/20	4/24	Italy		1,226		([3])				1,226
	4/24	4/27	Israel		879		([3])				879
	4/27	4/29	Belgium		729		([3])				729
Committee total					$3,113.00						$3,113.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

KEITH JEWELL.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. CHARLES E. WHITE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND JUNE 2, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles E. White	5/29	5/31	Russia		639.50		[3]3,229.55		111.36		3,980.41
	5/31	6/1	Ingushetia/Chechnya				[4]350				350
	6/1	6/2	Russia		320.00						320
Committee total					959.50		3,579.55		111.36		4,650.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Prepurchased tickets, Dulles to Moscow to Dulles.
[4] Cash payment for air passage from Ingushetia to Moscow.

CHARLES E. WHITE,
June 20, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. MEL HANCOCK, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 9 AND JUNE 12, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mel Hancock	6/9	6/12	France	4,211.04	849.00		651.29	200.45	40.41		1,540.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MEL HANCOCK,
June 28, 1995.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1304. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning a cooperative project with Canada, France, and Norway (Transmittal No. 09–95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1305. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–33, authorizing the furnishing of military assistance to the United Nations for purposes of supporting the rapid reaction force in Bosnia, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

1306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of aviation security management training of Haiti, China, Mexico and Romania, pursuant to 22 U.S.C. 2349aa–3(a)(1); to the Committee on International Relations.

1307. A letter from the Vice President for Human Resources, Farm Credit Bank of Texas, transmitting the annual report for the farm credit banks of Texas pension plan for 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1308. A letter from the Director, National Science Foundation, transmitting a copy of the 1995 report of the Foundation's Committee on Equal Opportunities in Science and Engineering, pursuant to 42 U.S.C. 1885c(f); to the Committee on Science.

1309. A letter from the Comptroller, General Accounting Office, transmitting a copy of the report on GAO employees detailed to congressional committees; jointly, to the Committees on Government Reform and Oversight and Appropriations.

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. CANADY: Committee on the Judiciary. H.R. 782. A bill to amend title 18 of the United States Code to allow members of employee associations to represent their views before the U.S. Government; with an amendment (Rept. 104–230). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 1852. A bill to authorize appropriations for the National Science Foundations, and for other purposes; with an amendment (Rept. 104–231). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 1870. A bill to authorize appropriations for the activities of the Under Secretary of Commerce for Technology, and for scientific and technical research services and construction

of research facilities activities of the National Institute of Standards and Technology, for fiscal year 1996, and for other purposes; with an amendment (Rept. 104–232). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 2043. A bill to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; with an amendment (Rept. 104–233). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1296. A bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; with an amendment (Rept. 104–234). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 1851. A bill to authorize appropriations for carrying out the Federal Fire Prevention and Control Act of 1974 for fiscal years 1996 and 1997; with an amendment (Rept. 104–235). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. WALKER: Committee on Science. H.R. 1816. A bill to authorize appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than September 22, 1995, for consideration of such provisions in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 104–236, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 927. The Committees on Banking and Financial Services, the Judiciary and Ways and Means discharged. H.R. 927 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KLECZKA (for himself and Mr. HERGER):

H.R. 2193. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2194. A bill to provide for cost savings in the Medicare Program through cost-effective coverage of positron emission tomography [PET]; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROBERTS (for himself, Mr. BARRETT of Nebraska, Mr. BOEHNER, Mr. HOSTETTLER, and Mr. SMITH of Michigan):

H.R. 2195. A bill to establish limits on Commodity Credit Corporation farm and export expenditures for the 1996 through 2002 crop years, to authorize the use of market transition contracts to support farming certainty and flexibility and ensure continued compliance with farm conservation compliance plans and wetland protection, to make marketing assistance loans available for certain crops, to establish a commission to examine the future of production agriculture, and for other purposes; to the Committee on Agriculture.

By Mrs. MORELLA (for herself, Mr. WALKER, Mr. BROWN of California, and Mr. TANNER):

H.R. 2196. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes; to the Committee on Science.

By Mr. ALLARD (for himself, Mr. KNOLLENBERG, and Mr. ENSIGN):

H.R. 2197. A bill to amend the Congressional Budget Act of 1974 to establish a point of order against certain continuing resolutions; to the Committee on Rules.

By Mr. BROWNBACK (for himself, Mrs. MYRICK, Mr. GUTKNECHT, Mr. LARGENT, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. ROBERTS, Mr. WALKER, Mr. KASICH, Mr. BLILEY, Mr. SOLOMON, Mr. SAXTON, Mr. DREIER, Mr. DORNAN, Mr. ROHRABACHER, Mr. MILLER of Florida, Mr. HOEKSTRA, Mr. SHADEGG, Mr. SCARBOROUGH, Mr. FOLEY, Mr. SOUDER, Mr. TIAHRT, Mr. CHRYSLER, Mr. CHRISTENSEN, Mr. COOLEY, Mrs. SMITH of Washington, Mr. TATE, Mr. SMITH of Michigan, Mr. HEFLEY, Mr. HASTINGS of Washington, Mr NUSSLE, Mr. INGLIS of South Carolina, Mr. NORWOOD, Mr. STOCKMAN, Mrs. SEASTRAND, Mr. TALENT, Mr. SANFORD, Mr. SALMON, Mr. BONO, Mrs. CHENOWETH, Mr. MCINTOSH, Mr. HOSTETTLER, Mr. FUNDERBURK, Mr. COBURN, Mr. GRAHAM, Mr. HILLEARY, Mr. HUTCHINSON, Mr. BASS, Mr. CUNNINGHAM, Mr. RADANOVICH, Mr. PARKER, Mr. DOOLITTLE, Mr. HERGER, Mr. KOLBE, Mr. WHITE, and Mr. HAYWORTH):

H.R. 2198. A bill to abolish the Department of Housing and Urban Development and provide for reducing Federal spending for housing and community development activities by consolidating and eliminating programs, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on 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. BUNNING of Kentucky (for himself, Mr. BAESLER, Mr. WARD, Mr. ROGERS, and Mr. LEWIS of Kentucky:)

H.R. 2199. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities; to the Committee on Ways and Means.

By Mr. UPTON (for himself and Mr. BROWN of Ohio):

H.R. 2200. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law; to the Committee on Commerce.

By Mr. CARDIN (for himself, Ms. DUNN of Washington, Mr. HERGER, Mr. CAMP, Mr. BUNNING of Kentucky, and Mr. ENGLISH of Pennsylvania):

H.R. 2201. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of foreign source income of United States-owned multinational insurance agents and brokers; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. BRYANT of Texas, Mr. GALLEGLY, Mr. MOORHEAD, Mr. MCCOLLUM, Mr. BRYANT of Tennessee, Mr. BONO, Mr. HEINEMAN, Mr. SENSENBRENNER, Mr. GEKAS, Mr. COBLE, Mr. CANADY, Mr. INGLIS of South Carolina, Mr. GOODLATTE, Mr. BARR, Mr. BOUCHER, Mr. BAKER of California, Mr. BALLENGER, Mr. BEILENSON, Mr. BILBRAY, Mr. BONILLA, Mr. BREWSTER, Mr. CALVERT, Mr. CONDIT, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DREIER, Mr. DUNCAN, Mr. FOLEY, Mr. HAYES, Mr. HERGER, Mr. HUNTER, Mr. SAM JOHNSON, Mrs. MEYERS of Kansas, Mr. PACKARD, Mr. ROHRABACHER, Mrs. ROUKEMA, Mr. SHAYS, Mr. STENHOLM, Mr. TAUZIN, Mrs. VUCANOVICH, Mr. MCKEON, Mr. BARTON of Texas, Mr. HUTCHINSON, Mr. THORNBERRY, Mr. LAUGHLIN, Mr. TRAFICANT, Mr. KASICH, Mrs. SEASTRAND, Mr. PETE GEREN of Texas, Mr. WILSON, Mr. STOCKMAN, Mr. HASTINGS of Washington, Mr. BEREUTER, Mr. COMBEST, Mr. BARTLETT of Maryland, Mr. BARRETT of Nebraska, Mr. SHAW, Mr. PICKETT, Mr. SKEEN, Mr. GUTKNECHT, Mr. KINGSTON, Mr. TAYLOR of North Carolina, Mr. ROGERS, Mr. SOLOMON, Mr. ROBERTS, Mr. EVERETT, Mr. DOOLITTLE, Mr. HEFLEY, Mr. SCHAEFER, Mr. GOSS, Mr. BUNNING of Kentucky, Mr. PARKER, Mr. TAYLOR of Mississippi, Mr. EMERSON, Mr. SHUSTER, Mr. FIELDS of Texas, Mr. QUILLEN, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. MCCRERY, Mr. STEARNS, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. BAKER of Louisiana, Mr. BACHUS, Mr. LIGHTFOOT, Mr. COLLINS of Georgia, Mr. HANSEN, Mr. HORN, Mr. PAXON, Ms. MOLINARI, Mr. LINDER, Mr. HASTERT, Mr. ROYCE, Mr. KIM, Mr. CAMP, Mr. HANCOCK, Mr. SPENCE, Mr. JONES, Mr. LIVINGSTON, Mr. REGULA, Mr. EWING, Mr. SALMON, Ms. HARMAN, Mr. ZELIFF, Mr. SHADEGG, Mr. POMBO, Mr. DORNAN, and Mr. RADANOVICH):

H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on National Security, Government Reform and Oversight, Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself (by request), Mr. GONZALEZ, and Mr. FLAKE):

H.R. 2203. A bill to reauthorize the tied aid credit program of the Export-Import Bank of

the United States, and to allow the Export-Import Bank to conduct a demonstration project; to the Committee on Banking and Financial Services.

By Mr. CASTLE (for himself, and Mr. LEACH (both by request), Mr. GONZALEZ, and Mr. FLAKE):

H.R. 2204. A bill to extend and reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CLEMENT (for himself, Mr. BACHUS, Mr. LIPINSKI, Mr. BOEHLERT, Mr. RAHALL, Mr. OBERSTAR, Mr. HEFNER, Mr. BARRETT of Nebraska, Ms. KAPTUR, Mr. HOUGHTON, Mr. MONTGOMERY, and Mr. GORDON):

H.R. 2205. A bill to assist the preservation of rail infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DINGELL (for himself and Mr. WAXMAN):

H.R. 2206. A bill to provide for the consolidation and simplification of health center programs, and for other purposes; to the Committee on Commerce.

By Mr. DINGELL (for himself and Mr. WAXMAN (both by request):

H.R. 2207. A bill to provide for substance abuse and mental health performance partnerships, and for other purposes; to the Committee on Commerce.

By Mr. EHLERS:

H.R. 2208. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before completion of the manufacture of such property; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 2209. A bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports; to the Committee on Economic and Educational Opportunities.

By Mr. EMERSON:

H.R. 2210. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability for certain recycling transactions; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. RICHARDSON (for himself, Mr. TOWNS, and Mr. HINCHEY):

H.R. 2211. A bill to establish certain requirements with respect to solid waste and hazardous waste incinerators, and for other purposes; to the Committee on Commerce.

By Mr. RICHARDSON:

H.R. 2212. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2213. A bill to amend section 223 of the Communications Act of 1934 (47 U.S.C. 223) to assure that the prohibitions of that section also apply to faxes and electronic mail transmitted over telephone lines; to the Committee on Commerce.

By Mr. FILNER:

H.R. 2214. A bill to amend title 10, United States Code, to repeal the Social Security offset applicable to certain annuities for surviving spouses paid under the survivor benefit plan for retired members of the Armed Forces to the extent that such offset is due to the integration with Social Security benefits when the surviving spouse reaches 62 years of age; to the Committee on National Security.

By Mr. FORBES:

H.R. 2215. A bill to provide veterans benefits to individuals who serve in the U.S. merchant marine during a period of war; to the Committee on Veterans' Affairs.

By Mr. FRANKS of New Jersey (for himself, Mr. MARTINI, Mr. STOCKMAN, Mr. ZIMMER, Mr. FRELINGHUYSEN, and Mr. LOBIONDO):

H.R. 2216. A bill to abolish the Local Rail Freight Assistance Program; to the Committee on Transportation and Infrastructure.

By Mr. PETE GEREN of Texas (for himself, Mr. BREWSTER, Mr. LAUGHLIN, Mr. EMERSON, and Mr. WATTS of Oklahoma):

H.R. 2217. A bill to amend the Endangered Species Act of 1973 with commonsense amendments to strengthen the act, enhance wildlife conservation and management, augment funding, and protect fishing, hunting, and trapping; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 2218. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. EDWARDS, Mr. STUMP, Mr. MONTGOMERY, Mr. SMITH of New Jersey, Mr. QUINN, Mr. DOYLE, and Mr. BILIRAKIS):

H.R. 2219. A bill to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JACOBS (for himself, Mr. LIPINSKI, and Mr. INGLIS of South Carolina):

H.R. 2220. A bill to provide for portability of health insurance, guaranteed renewability, high risk pools, medical care savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. JEFFERSON:

H.R. 2221. A bill to amend the Internal Revenue Code of 1986 to permit the tax-free rollover of certain payments made by employers to separated employees; to the Committee on Ways and Means.

By Mr. WARD (for himself, Mr. HAMILTON, Mr. FAZIO of California, and Mr. MATSUI):

H.R. 2222. A bill to provide for continued retirement and leave benefits for certain former employees of the Department of Defense; to the Committee on Government Reform and Oversight.

By Ms. ROS-LEHTINEN (for herself, Mr. PORTER, Mr. TORRICELLI, Mr. BILIRAKIS, and Mr. ENGEL):

H.R. 2223. A bill to establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus; to the Committee on International Relations.

By Mr. JOHNSTON of Florida (for himself, Mr. FILNER, Mrs. MEEK of Florida, Mr. OWENS, Mr. ACKERMAN, Mrs. MORELLA, Mr. MORAN, Mr. LATOURETTE, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. UNDERWOOD, and Mr. MASCARA):

H.R. 2224. A bill to exempt disability and survivor annuities from the provision delaying the cost-of-living adjustment in Federal employee retirement benefits during fiscal year 1996, to the Committee on Government Reform and Oversight.

By Mr. KNOLLENBERG (for himself, Mr. KOLBE, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. CALVERT, Mr. CHRYSLER, Mr. EHLERS, Mr. EWING, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. LIVINGSTON, Mr. MCKEON, Ms. MOLINARI, Mr. MYERS of Indiana, Mr. NORWOOD, Ms. ROYCE, Mr. SKEEN, Mr. SMITH of Texas, Mr. STOCKMAN, Mr. TALENT, Mr. UPTON, and Mr. ZIMMER):

H.R. 2225. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. OWENS, Mr. ENGEL, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. NADLER):

H.R. 2226. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Commerce.

By Mrs. MALONEY:

H.R. 2227. A bill to prohibit defense contractors from being reimbursed by the Federal Government for certain environmental response costs; to the Committee on National Security.

By Mr. MILLER of California (for himself, Mr. BALLENGER, Mr. BISHOP, Mr. BONIOR, Mr. BONO, Mr. BUNN of Oregon, Mr. BREWSTER, Mrs. CHENOWETH, Mr. COLEMAN, Mr. CONYERS, Mr. COOLEY, Ms. DELAURO, Mr. DELLUMS, Mr. DIXON, Mr. DORNAN, Mr. EHRLICH, Mr. ENGEL, Mr. FATTAH, Mr. FILNER, Mr. FLAKE, Mr. FOX, Mr. FRANK of Massachusetts, Mr. FRAZER, Mr. FROST, Mr. GUTKNECHT, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Ms. MCCARTHY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Ms. PELOSI, Mr. RANGEL, Mr. REYNOLDS, Ms. RIVERS, Mr. SANDERS, Mr. SERRANO, Mr. SCOTT, Mrs. SCHROEDER, Mr. SHAYS, Mr. STEARNS, Mr. TORRES, Mr. TUCKER, Mr. THOMPSON, Mr. UNDERWOOD, Mr. VENTO, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT of North Carolina, and Mr. WATTS of Oklahoma):

H.R. 2228. A bill to waive the time limitations applicable to awarding the Medal of Honor posthumously to Ruben Rivers; to the Committe on National Security.

By Mr. MILLER of California:

H.R. 2229. A bill to authorize the Secretary of the Interior to enter into agreements for the use of facilities associated with the Solano Project, CA, and for other purposes; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mr. DELAY, Mr. FAZIO of California, Mr. ARCHER, Mr. BURR, Mr. CANADY, Mr. CONDIT, Mr. HERGER, Mr. OXLEY, Mr. ROSE, Mr. STENHOLM, Mr. THOMAS, and Mr. DOOLEY):

H.R. 2230. A bill to make a regulatory correction concerning methyl bromide to meet

the obligations of the Montreal Protocol without placing the farmers of the United States at a competitive disadvantage versus foreign growers; to the Committee on Commerce, and in addition to the Committee on Agriculture, 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. MINETA:

H.R. 2231. A bill to amend the Export Administration Act of 1979 to require reviews of the commodity control lists; to the Committee on International Relations.

By Mr. MINGE (for himself, Mr. LATHAM, Ms. DANNER, Mr. GUTKNECHT, Mr. POMEROY, Mr. OBERSTAR, Mr. PETERSON of Minnesota, and Mr. JOHNSON of South Dakota):

H.R. 2232. A bill to amend the Internal Revenue Code of 1986 to allow the small ethanol producer credit to be allocated to patrons of a cooperative in certain cases; to the Committee on Ways and Means.

By Ms. MOLINARI (by request):

H.R. 2233. A bill to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and related statutes to ease administration of the railroad retirement and railroad unemployment insurance programs, and for other purposes; to the Committee on Transportation and Infrastructure, 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. HORN (for himself, Mrs. MALONEY, Mrs. MORELLA, Mr. HUTCHINSON, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. FROST, Mr. KASICH, Mr. KLUG, and Ms. NORTON):

H.R. 2234. A bill to reduce delinquencies and to improve debt-collection activities Government-wide, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on the Judiciary, Ways and Means, and 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 Mr. MOORHEAD (for himself and Mrs. SCHROEDER):

H.R. 2235. A bill to amend title 35, United States Code, to afford a personal defense to infringement based on the commercialization of an invention in the United States prior to the filing date of a patent claiming the same invention; to the Committee on the Judiciary.

By Mr. NADLER (for himself and Mrs. LOWEY):

H.R. 2236. A bill to amend the Internal Revenue Code of 1986 to provide for regional cost of living adjustments; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. SMITH of New Jersey, Mr. BARRETT of Wisconsin, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. JACOBS, Mr. FORST, Mrs. MEEK of Florida, and Mr. UNDERWOOD):

H.R. 2237. A bill to provide equal leave benefits for parents who adopt a child or provide foster care for a child; to the Committee on Economic and Educational Opportunities.

By Mr. OBERSTAR:

H.R. 2238. A bill to validate a conveyance of certain lands located in Carlton County, MN, and for other purposes; to the Committee on Resources.

By Mr. ORTON:

H.R. 2239. A bill to amend section 17 of the act of August 27, 1954 (25 U.S.C. 677p), relating to the distribution and taxation of assets and earnings, to clarify that distributions of rents and royalties derived from assets held in continued trust by the Government, and paid to the mixed-blood members of the Ute Indian tribe, their Ute Indian heirs, or Ute Indian legatees, are not subjected to Federal or State taxation at the time of distribution, and for other purposes; to the Committee on Resources, 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. PORTER (for himself, Mr. FALEOMAVAEGA, Mr. RICHARDSON, Mr. BEILENSON, Mr. EHLERS, Mr. OBERSTAR, Mr. YATES, Mr. KASICH, Mr. TALENT, Mrs. MALONEY, Mr. FARR, Mr. GEJDENSON, Ms. RIVERS, and Mr. JACOBS):

H.R. 2240. A bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes; to the Committee on Resources, and in addition to the Committees on International Relations, and 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. RIGGS (for himself, Mr. ZIMMER, Mr. KLUG, Mr. CUNNINGHAM, Mr. FILNER, Mr. PACKARD, Mr. JONES, Mr. BILBRAY, Ms. HARMAN, Mr. COX, Mr. TORRES, Mrs. SEASTRAND, Mr. HUNTER, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. EHLERS, Mr. BERMAN, Mr. FARR, Mr. JOHNSTON of Florida, Mr. HORN, and Ms. LOFGREN):

H.R. 2241. A bill to make permanent the President's Outer Continental Shelf moratorium statement of June 26, 1990; to the Committee on Resources.

By Mr. RIGGS (for himself, Mr. ZIMMER, Mr. KLUG, Mr. CUNNINGHAM, Mr. FILNER, Mr. PALLONE, Mr. PACKARD, Mr. JONES, Mr. BILBRAY, Ms. HARMAN, Mr. TORRES, Mrs. SEASTRAND, Mr. HUNTER, Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. EHLERS, Mr. BERMAN, Mr. FARR, Mr. LOBIONDO, Mr. JOHNSTON of Florida, Mr. HORN, Mr. FORBES, and Ms. LOFGREN):

H.R. 2242. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; to the Committee on Resources.

By Mr. RIGGS (for himself and Mr. HERGER):

H.R. 2243. A bill to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes; to the Committee on Resources.

By Mr. RIGGS (for himself, Mr. TAYLOR of North Carolina, Mr. CANADY, Mr. BROWNBACK, Mr. GOSS, Ms. RIVERS, Mr. KLUG, Mr. DOOLITTLE, Mr. LOBIONDO, and Mr. SOUDER):

H.R. 2244. A bill to amend title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member or employee of Congress who is convicted of an offense relating to the official duties of that individual; to the Committee on House Oversight, and in addition to the Committee on 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. SANDERS (for himself and Mr. ROGERS):

H.R. 2245. A bill to establish a national program of trained community health advisors to assist the States in attaining the Healthy People 2000 objectives; to the Committee on Commerce.

By Mr. SERRANO:

H.R. 2246. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the U.S. library trust fund, and for other purposes; to the Committee on Ways and Means.

H.R. 2247. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services of registered dietitians and nutrition professionals; 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. SHAW (for himself, Mr. GILMAN, and Ms. KAPTUR):

H.R. 2248. A bill to authorize the imposition of trade sanctions on countries which threaten the health and safety of U.S. policy regarding the reduction and interdiction of illicit drugs; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 2249. A bill to amend the Social Security Act to require health maintenance organizations under the Medicare Program to disclose to enrollees and potential enrollees certain information on the credentials of physicians providing services by or through the organization, the financial status of the organization, and the compensation paid to officers and executives of the organization; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOCKMAN:

H.R. 2250. A bill to provide for the return of economic resources for the imposition of certain customs fees and duties to the community in which the customs fees and duties are collected; to the Committee on Ways and Means.

By Mr. STUMP (for himself, Mr. KOLBE, Mr. PASTOR, Mr. HAYWORTH, Mr. SALMON, and Mr. SHADEGG):

H.R. 2251. A bill to direct the Secretary of the Interior to make certain modifications with respect to a water contract with the city of Kingman, AZ, and for other purposes; to the Committee on Resources.

By Mr. TORRICELLI (for himself, Mr. HASTINGS, of Florida, Mr. LIPINSKI, Ms. RIVERS, Mr. FRAZER, and Mr. SERRANO):

H.R. 2252. A bill to provide demonstration grants to secondary schools for the purpose of extending the length of the academic year at such school; to the Committee on Economic and Educational Opportunities.

By Mr. UNDERWOOD:

H.R. 2253. A bill to amend the Endangered Species Act of 1973 to create a mechanism by which information may flow between local communities and governments and the Federal Government regarding the designation of critical habitat and the establishment of National Wildlife Refuges under that act; to the Committee on Resources.

By Mr. UNDERWOOD (for himself, Mr. FRAZER and Mr. FALEOMAVAEGA):

H.R. 2254. A bill to repeal the requirement that the Delegates to the Congress from Guam, the Virgin Islands, and American Samoa be elected by a separate ballot; to the Committee on Resources.

By Mr. ZELIFF:

H.R. 2255. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

H.R. 2256. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability and funding; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Budget, 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. ENGEL:

H. Con. Res. 93. Concurrent resolution concerning democracy and human rights situation in Cameroon; to the Committee on International Relations.

By Mr. LANTOS:

H. Con. Res. 94. Concurrent resolution authorizing the use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Raoul Wallenberg in the Capitol; to the Committee on House Oversight.

By Mr. LANTOS (for himself and Mr. GILMAN):

H. Con. Res. 95. Concurrent resolution expressing the sense of Congress concerning freedom of the press in Russia; to the Committee on International Relations.

By Ms. MCKINNEY (for herself, Mr. ABERCROMBIE, Mr. BARCIA of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COLEMAN, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DIXON, Mr. DOGGETT, Mr. DOYLE, Mr. DURBIN, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FAZIO of California, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GONZALEZ, Mr. GORDON, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Ms. NORTON, Ms. JACKSON-LEE, Mr. JACOBS, Mr. JEFFERSON, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Mr. KLINK, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LUTHER, Mr. MASCARA, Mr. MCDERMOTT, Mr. MCHALE, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MFUME, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN, Mr. MURTHA, Mr. NADLER, Mr. OBERSTAR, Mr. OWENS, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. RICHARDSON, Ms. RIVERS, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. SCOTT, Mr. SERRANO, Mr. SKAGGS, Ms. SLAUGHTER, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. STUPAK, Mr. THOMPSON, Mrs. THURMAN, Mr. TORRICELLI, Mr. TOWNS, Mr. TUCKER, Ms. VELAZQUEZ, Mr. VOLKMER, Ms. WATERS, Mr. WATT of North Carolina, Mr. WILSON, Ms. WOOLSEY, and Mr. WYNN):

H. Con. Res. 96. Concurrent resolution expressing the sense of the Congress in affirmation of the National Voter Registration Act of 1993, commonly known as the Motor-Voter Act; to the Committee on House Oversight.

By Mr. PALLONE (for himself, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. ANDREWS, Mr. BROWN of Ohio, Mr. LEVIN, Mr. MEEHAN, Mr. NEY, Mr. LOBIONDO, and Mr. NETHERCUTT):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress relating to the abduction and detainment of Donald Hutchings of the State of Washington and four Western Europeans in Jammu and Kashmir, India; to the Committee on International Relations.

By Mr. SERRANO:

H. Con. Res. 98. Concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress; to the Committee on Commerce.

By Mr. NADLER:

H. Res. 211. Resolution to amend the Rules of the House of Representatives to require a bill or joint resolution which amends a law to show the change in the law made by the amendment, and for other purposes; to the Committee on Rules.

By Mr. ORTON (for himself, Mr. SPRATT, Mr. CONDIT, Mr. ROSE, Mr. HALL of Texas, Mr. MINGE, Mr. CRAMER, Mr. PETERSON of Minnesota, Mr. PETE GEREN of Texas, Mr. BROWDER, Ms. DANNER, Mr. BAESLER, Mr. MCHALE, Mr. GORDON, Mr. MEEHAN, Mr. SCHUMER, Mr. LUTHER, Mr. PAYNE of Virginia, Mr. GENE GREEN of Texas, Mr. HOLDEN, Mr. JOHNSON of South Dakota, Mr. WARD, Mr. DEUTSCH, Mr. PARKER, Mr. WYNN, Mr. MONTGOMERY, Mr. GUTIERREZ, Mr. CHAPMAN, Ms. RIVERS, Mr. BROWN of Ohio, Mr. STENHOLM, Mr. DEFAZIO, Mr. ROEMER, Mr. BALDACCI, Mr. BROWN of California, Mr. VOLKMER, Mr. MASCARA, Mr. TAUZIN, Mr. RICHARDSON, Mr. WILSON, Mr. WYDEN, Mrs. LINCOLN, Mr. KLECZKA, Mr. STUPAK, Mr. DOYLE, Ms. ESHOO, Mr. MENENDEZ, Mr. COSTELLO, Mr. HAYES, Mr. BARRETT of Wisconsin, Mr. MANTON, Mr. POMEROY, Mr. PALLONE, Mr. KENNEDY of Rhode Island, Mr. EDWARDS, Mr. GIBBONS, Mr. LANTOS, Mr. DOGGETT, Ms. MCCARTHY, Mr. DOOLEY, Mr. CARDIN, Mr. MCNULTY, Mr. POSHARD, Ms. HARMAN, Mr. CLEMENT, Mr. FORD, and Mr. BARCIA of Michigan):

H. Res. 212. Resolution to express the sense of the House of Representatives that the provisions of S. 4 (the Line Item Veto Act), as passed by the House, should apply to all fiscal year 1996 appropriation bills and to the reconciliation bill required by H. Con. Res. 67; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

149. By the SPEAKER: Memorial of the Senate of the State of Texas, relative to the Food Stamp Program; to the Committee on Agriculture.

150. Also, memorial of the Senate of the State of Texas, relative to chronic fatigue and immune dysfunction syndrome; to the Committee on Commerce.

151. Also, memorial of the Senate of the State of Texas, relative to the Bureau of Reclamation; to the Committee on Resources.

152. Also, memorial of the House of Representatives of the State of Texas, relative to the Red River Boundry Commission; to the Committee on the Judiciary.

153. Also, memorial of the House of Representatives of the State of Texas, relative to the 65-mile-per-hour speed limit; to the Committee on Transportation and Infrastructure.

154. Also, memorial of the House of Representatives of the State of Texas, relative to noncorporate farmers; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILCHREST:

H.R. 2257. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Transportation and Infrastructure.

By Mr. ZELIFF:

H.R. 2258. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Raffles Light*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 94: Mr. TRAFICANT, Mr. CHRISTENSEN, Mr. BARRETT of Nebraska, Mr. PETRI, and Mr. MARTINI.

H.R. 104: Mr. MARTINI.

H.R. 109: Ms. FURSE and Mr. STUPAK.

H.R. 218: Mrs. CHENOWETH and Mr. MARTINI.

H.R. 359: Mr. MCCOLLUM and Mr. ZELIFF.

H.R. 367: Mr. RUSH.

H.R. 427: Mr. KNOLLENBERG.

H.R. 436: Mr. NUSSLE, Mr. MONTGOMERY, Mrs. THURMAN, and Mr. WELLER.

H.R. 500: Mr. ZIMMER.

H.R. 534: Mr. CANADY, Mr. HASTERT, Mr. GENE GREEN of Texas, Mr. PASTOR, and Mr. UNDERWOOD.

H.R. 598: Mr. COLEMAN, Mr. HASTERT, Mr. GIBBONS, Mrs. MYRICK, Mr. CRAPO, Mr. LEWIS of Georgia, Mr. TATE, Mr. ARCHER, Mr. GILCHREST, Mr. ROEMER, and Mr. MINETA.

H.R. 659: Mr. TANNER, Mr. COMBEST, Mr. EMERSON, and Mr. DUNCAN.

H.R. 670: Mr. SERRANO.

H.R. 739: Mr. HILLEARY and Mr. WAMP.

H.R. 743: Mrs. CHENOWETH.

H.R. 752: Mr. SENSENBRENNER, Mr. KING, Mr. GUTIERREZ, Mrs. LOWEY, Mrs. MALONEY, and Mr. MATSUI.

H.R. 783: Mr. FUNDERBURK.

H.R. 791: Mr. ZIMMER.

H.R. 804: Mr. WHITE.

H.R. 820: Mr. STUMP and Mr. GILCHREST.

H.R. 895: Mr. LOBIONDO, Mr. VENTO, Mr. FLAKE, Mr. SKELTON, and Mr. PACKARD.

H.R. 899: Mr. CREMEANS and Mr. FRELINGHUYSEN.

H.R. 922: Mr. NADLER and Mr. MINETA.

H.R. 940: Mr. FOGLIETTA, Mr. MFUME, Mr. STARK, Mr. GIBBONS, Mr. JACOBS, Mr. JEFFERSON, and Mr. NADLER.

H.R. 945: Mr. GUNDERSON, Mr. REGULA, Mr. LARGENT, Mr. DOYLE, Mr. MARTINI, and Mr. FRELINGHUYSEN.

H.R. 966: Mr. ACKERMAN, Mr. COYNE, Mr. DEFAZIO, Mr. GEJDENSON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. OLVER, Mr. PETERSON of Minnesota, Mrs. SCHROEDER, Mr. SPRATT, Mr. STARK, and Ms. VELAZQUEZ.

H.R. 997: Ms. DELAURO, Mr. MANZULLO, and Mr. THORNTON.

H.R. 1000: Mr. ENGEL and Mr. MCHALE.
H.R. 1005: Mr. WAMP.
H.R. 1020: Mr. LATHAM, Mr. SAM JOHNSON, and Mr. ROYCE.
H.R. 1050: Mr. MARTINEZ.
H.R. 1073: Mr. BRYANT of Texas, Mr. JONES, Mrs. SMITH of Washington, and Ms. DELAURO.
H.R. 1074: Mr. BRYANT of Texas, Mrs. SMITH of Washington, and Ms. DELAURO.
H.R. 1090: Mr. STUPAK.
H.R. 1114: Mr. GILCHREST, Mr. BONO, and Mr. MCCRERY.
H.R. 1143: Mr. MARTINI.
H.R. 1144: Mr. MARTINI.
H.R. 1145: Mr. MARTINI.
H.R. 1161: Mr. BOEHNER.
H.R. 1202: Mr. DIAZ-BALART and Mr. BERMAN.
H.R. 1203: Mr. MINGE, Mr. LIGHTFOOT, and Mr. LUTHER.
H.R. 1204: Mr. STENHOLM.
H.R. 1226; Mr. BLILEY.
H.R. 1251: Mr. SERRANO.
H.R. 1352: Mr. STUPAK.
H.R. 1386: Mr. BROWDER, Mr. JONES, Mr. DUNCAN, and Mr. SHAW.
H.R. 1406: Mrs. MEEK of Florida, Mr. FOX, Mr. GEKAS, Mr. MORAN, Mr. DAVIS, Mr. WOLF, Mr. SISISKY, Mr. PICKETT, Mr. BLILEY, Mr. BOUCHER, Mr. SMITH of Texas, and Mr. FRANKS of New Jersey.
H.R. 1452: Mr. TORRICELLI, Mr. FROST, Mr. EVANS, Ms. KAPTUR, Mr. CLYBURN, and Mrs. THURMAN.
H.R. 1462: Mr. MORAN, Mr. RAHALL, Mr. MATSUI, Mr. MURTHA, Mr. TORRICELLI, Mr. ENGLISH of Pennsylvania, and Mr. LANTOS.
H.R. 1488: Mr. CRAMER, Mr. CHABOT, Mr. BEVILL, Mr. GORDON, Mr. FUNDERBURK, Mr. WHITFIELD, Mr. STENHOLM, and Mr. RIGGS.
H.R. 1493: Mr. RAHALL.
H.R. 1496: Mr. DAVIS and Mr. STUPAK.
H.R. 1498: Mr. FRANK of Massachusetts, Mr. VISCLOSKY, Mr. MILLER of California, and Ms. KAPTUR.
H.R. 1499: Mr. MOORHEAD.
H.R. 1500: Mr. ENGEL, Mr. GILCHREST, Mr. MATSUI, and Mr. RICHARDSON.
H.R. 1506: Mr. LAHOOD.
H.R. 1552: Mr. BONO, Mrs. THURMAN, Mrs. KELLY, Mr. DIXON, and Mr. HOYER.
H.R. 1580: Mr. NETHERCUTT.
H.R. 1627: Mr. BREWSTER, Mr. WELLER, Mr. MCINNIS, Mrs. MYRICK, Mr. HILLEARY, Mrs. CUBIN, Mr. GILCHREST, Mr. NUSSLE, Mr. WILLIAMS, Mr. KNOLLENBERG, Mr. LARGENT, Mr. ENGEL, and Mr. LIVINGSTON.
H.R. 1651: Mr. PALLONE.
H.R. 1656: Mr. SERRANO, Mr. ENGEL, Mr. WELLER, Mr. HAYES, Ms. MCKINNEY, Mr. BONIOR, and Ms. VELAZQUEZ.
H.R. 1661: Mr. WELDON of Florida, Mr. ALLARD, Mr. BACHUS, Mr. PARKER, Mr. JOHNSON of South Dakota, Mr. MOLINARI, Mr. MOORHEAD, Mr. BASS, and Mr. BATEMAN.
H.R. 1668: Mr. PALLONE.
H.R. 1709: Mr. FRANKS of New Jersey, Mr. SANDERS, and Ms. SLAUGHTER.
H.R. 1736: Mr. WILLIAMS, Mr. ENGEL, Mr. DEFAZIO, Mr. BENTSEN, Mr. BROWN of Ohio, Mr. MORAN, Ms. ESHOO, Mr. DURBIN, Mr. MINETA, Mr. OWENS, and Mr. LEWIS of Georgia.
H.R. 1747: Mr. GUTIERREZ.
H.R. 1753: Mr. DICKS, Mr. GILMAN, Ms. NORTON, Mrs. MEEK of Florida, Mr. TUCKER, Mr. CLAY, Mr. VOLKMER, Ms. MCCARTHY, Mr. SCOTT, Mr. FIELDS of Louisiana, Mr. PAYNE of New Jersey, Mr. PASTOR, Mrs. COLLINS of Illinois, Mr. RICHARDSON, Mrs. MINK of Hawaii, Mr. BARRETT of Nebraska, Mr. GUTIERREZ, Mr. DE LA GARZA, Mr. SKEEN, Mr. NADLER, Mr. CLEMENT, Mr. RUSH, and Mr. LATOURETTE.
H.R. 1756: Mr. ZIMMER.
H.R. 1757: Mr. EVANS and Ms. VELAZQUEZ.
H.R. 1758: Mr. LIPINSKI, Mrs. CLAYTON, and Ms. VELAZQUEZ.
H.R. 1762: Mr. MARTINI and Mr. SKEEN.
H.R. 1765: Mr. RIGGS.
H.R. 1802: Mr. DICKEY.
H.R. 1818: Mr. BOEHNER and Mr. ZELIFF.
H.R. 1821: Mr. UNDERWOOD and Mr. GILLMOR.
H.R. 1833: Mr. BEREUTER and Mr. STOCKMAN.
H.R. 1834: Mr. BILIRAKIS, Mr. ALLARD, Mr. COMBEST, Mr. KOLBE, Mr. ROBERTS, and Mr. ROHRABACHER.
H.R. 1853: Mr. ACKERMAN.
H.R. 1856: Mrs. SMITH of Washington, Mrs. WALDHOLTZ, Mr. HANSEN, Mr. MILLER of California, Mr. BEILENSON, Ms. ROYBAL-ALLARD, Mr. DOYLE, Mr. TORRES, Mr. EHRLICH, Mr. TATE, Mr. COOLEY, and Mr. BRYANT of Texas.
H.R. 1872: Mr. ENGEL, Mrs. MINK of Hawaii, and Mr. VENTO.
H.R. 1889: Mr. EHLERS, Mr. LUTHER, Ms. PELOSI, Mr. EVANS, Mr. STARK, and Mr. LIPINSKI.
H.R. 1893: Mr. HOSTETTLER and Mr. OWENS.
H.R. 1920: Mrs. KELLY and Mr. ACKERMAN.
H.R. 1930: Mr. MCCOLLUM.
H.R. 1933: Mr. OLVER, Mr. NEAL of Massachusetts, and Mr. FRELINGHUYSEN.
H.R. 1947: Mr. MCDERMOTT.
H.R. 1951: Mr. FROST and Mr. BILBRAY.
H.R. 1952: Mr. STUDDS, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. ENGEL, Mr. DURBIN, Mr. PASTOR, Mr. GUTIERREZ, Mr. OWENS, Mr. WYDEN, Mr. FROST, Mrs. MEEK of Florida, Ms. ESHOO, Mr. BROWN of California, and Mr. DOOLEY.
H.R. 1967: Mr. RAMSTAD, Mr. BUNNING of Kentucky, and Mr. LAUGHLIN.
H.R. 1973: Mr. CHRYSLER, Ms. DANNER, Mrs. LOWEY, Mr. JOHNSTON of Florida, Mr. SANDERS, Mr. SERRANO, Mr. STUPAK, and Mr. YATES.
H.R. 1982: Mr. FRANK of Massachusetts.
H.R. 1995: Mr. HEINEMAN, Mr. SOLOMON, and Mr. MARTINI.
H.R. 2011: Ms. VELAZQUEZ, Mr. EVANS, Mr. MENENDEZ, and Mr. FRANK of Massachusetts.
H.R. 2013: Mr. MARTINI, Mr. BILIRAKIS, and Mr. ALLARD.
H.R. 2024: Mr. BURR.
H.R. 2026: Mr. FRELINGHUYSEN.
H.R. 2027: Ms. RIVERS, Ms. MCKINNEY, and Mr. ACKERMAN.
H.R. 2029: Mr. HOLDEN, Mr. BALDACCI, Mrs. CHENOWETH, Mr. POMEROY, Mr. EWING, Mr. MINGE, Mr. COOLEY, Mr. LAHOOD, Mr. BLILEY, Mr. STENHOLM, Mr. LUCAS, and Mr. CRAPO.
H.R. 2039: Mr. JOHNSTON of Florida.
H.R. 2071: Mr. CRAMER.
H.R. 2072: Mr. DUNCAN.
H.R. 2078: Mrs. CHENOWETH.
H.R. 2128: Mr. ARCHER, Mr. COOLEY, Mrs. CHENOWETH, Mr. KNOLLENBERG, Mr. SHAW, Mr. HILLEARY, and Mr. ZELIFF.
H.R. 2132: Mr. ACKERMAN, Ms. MCKINNEY, and Mr. UNDERWOOD.
H.R. 2137: Mr. FOX.
H.R. 2147: Mr. BROWNBACK, Mr. BAKER of Louisiana, and Mr. LEWIS of Kentucky.
H.R. 2151: Mr. SKEEN.
H.R. 2182: Mr. MARTINI.
H.R. 2190: Mr. CAMP, Mr. HASTERT, Mr. HOUGHTON, and Mr. HAYWORTH.
H.J. Res. 97: Mr. FRANK of Massachusetts.
H. Con. Res. 10: Mr. FARR, Mr. CAMP, Ms. LOFGREN, and Mr. BENTSEN.
H. Con. Res. 42: Mr. BURR.
H. Con. Res. 47: Ms. LOFGREN, Mr. WATT of North Carolina, Mr. TUCKER, Mr. SMITH of New Jersey, and Mrs. CHENOWETH.
H. Con. Res. 63: Mr. LOBIONDO, Mr. KING, and Mr. CHABOT.
H. Con. Res. 80: Mr. GILMAN, Mr. GEJDENSON, Mr. ENGEL, and Mr. BROWN of Ohio.
H. Res. 123: Mr. MCKEON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1289: Mr. MFUME.
H.R. 1853: Ms. MCKINNEY.
H.R. 2062: Mr. MFUME.

PETITIONS, ETC.

Under clause 1 of rule XXII,

34. The SPEAKER presented a petition of the mayor of the city of Gonzales, LA, relative to relative to Federal support programs for sugar; which was referred to the Committee on Agriculture.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Mr. BRYANT on House Resolution 127: Zoe Lofgren.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, FRIDAY, AUGUST 4, 1995 No. 129

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].

PRAYER

The Chaplain, Dr. Lloyd John Ogilve, offered the following prayer:

Let us pray:

Almighty God, Holy Father, You created us for Yourself and our hearts are restless until they rest in You. We confess our ambivalence. We want You to be Lord of our lives and yet, sometimes, we are filled with reservations. We need Your love, and yet fear the implications of loving others as You love us. We want Your direction in our lives, but are troubled about losing our own control. We pray for America to be a great nation under Your sovereign reign, but there are times when we are reluctant to ask You to begin a vital spiritual awakening in our own hearts.

But Lord, we are willing to be made willing. Help us to see what our lives could be if we loved You with all our hearts, and if our self-erected obstacles to trusting You completely were removed and You had Your way with us.

And so, today we open our minds to think inspired by the wisdom of Your spirit; we commit our wills to seek the guidance of Your spirit; and we face the challenges of this day with the power of Your spirit. In Your holy name. Amen.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1026, the Department of Defense bill, 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 resumed consideration of the bill.

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the Senator from South Carolina [Mr. THURMOND] is recognized.

Mr. THURMOND. Mr. President, we are ready to proceed now on this bill, and I believe the distinguished Senator from Nebraska desires at this time to take up the amendment.

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

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

AMENDMENT NO. 2111

(Purpose: To propose a substitute to title XXXI)

Mr. THURMOND. Mr. President, I send to the desk the Thurmond-Domenici amendment and ask it be reported immediately.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, Mr. DOMENICI, Mr. LOTT, Mrs. HUTCHISON, Mr. BOND, Mr. THOMPSON, Mr. FRIST, and Mr. BINGAMAN, proposes an amendment numbered 2111.

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:

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. EXON. I thank my friend and colleague, the distinguished chairman of the Armed Services Committee.

AMENDMENT NO. 2112 TO AMENDMENT NO. 2111

(Purpose: To strike section 3135 of S. 1026 authorizing a program for hydronuclear experiments)

Mr. EXON. As per our previous agreement, I send an amendment in the second degree to the desk at this time and ask that it be read in its entirety, and I also ask that the cosponsors of the amendment be identified as part of the reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. HATFIELD, Mr. DASCHLE, Mr. LEVIN, Mr. BINGAMAN, Mr. GLENN, Mr. HARKIN, Mr. SIMON, Mr. KERREY, Mr. KENNEDY, Mr. WELLSTONE, and Mr. BUMPERS, proposes an amendment numbered 2112 to amendment No. 2111.

On page 33 of the underlying amendment, strike out section 3135, lines 11 through 19.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina will have 70 minutes under control in this debate and the Senator from Nebraska will have 90 minutes. The Senator may proceed.

Mr. DOMENICI. Will the Senator yield?

Mr. EXON. I am happy to yield to the Senator.

Mr. DOMENICI. Mr. President, pursuant to the unanimous-consent request, I thought we said we could speak about the bill first, and then it would go to Senator EXON for the debate.

Did I misunderstand? If I misunderstood, it is all right.

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

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The PRESIDING OFFICER. Under the order, immediately after the reading of the amendment, the Senator from Nebraska was to be recognized to offer a second-degree amendment to the Thurmond amendment; there would be 70 minutes debate under the control of the Senator from South Carolina and 90 minutes under the control of the Senator from Nebraska.

Mr. DOMENICI. I did not need the time. Just so I know when we would be speaking.

Mr. BINGAMAN. Mr. President, it is my understanding, and I ask the Senator from Nebraska and the Senator from South Carolina if they agree with this, that during this period that has just been identified, we would be able to speak on the underlying amendment or on the Exon amendment or on both, and the statement I intend to give would be a statement on both, starting, of course, with a description of the Thurmond amendment and my reason for sponsoring it, and also discussing my reason for supporting the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, if I might respond and clear up any misunderstanding, the time agreement that was entered into and was specifically agreed to last night was 90 minutes under the control of the Senator from Nebraska, and 70 minutes under the control of the Senator from South Carolina. That time agreement is for debate on both the amendment offered by the Senator from South Carolina and the second degree, and the time can be allotted. Any Senator can debate either the underlying amendment or the amendment in the second degree.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I may ask the Senator from Nebraska, it is my understanding, though, it would be used off of either the time—let me state this. I worked, the Senator from Nebraska knows, on the time agreement. The 70 minutes was to be used in opposition to the amendment of the Senator from Nebraska. We have arranged time to speak against the amendment of the Senator, and that was certainly my understanding.

Mr. EXON. The time to speak against the second-degree amendment would be under the control of the Senator from South Carolina.

Mr. REID. That is right. While the Senator is debating, I will talk to the chairman of the committee.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I am certainly pleased to join my good friend from Oregon, Senator HATFIELD, and others, including the distinguished junior Senator from the State of New Mexico, and many other cosponsors, to correct one of the most objectionable provisions in the defense authorization bill that is now before the Senate. The Exon-Hatfield, et al., amendment is a very simple and a very straightforward one. It would delete—eliminate—section 3135 of the bill in its entirety, and remove the $50 million authorization for hydronuclear testing. Our amendment makes no adjustment to the funding for either the stockpiled storage program or the overall energy department budget. Our amendment is funding neutral. It simply removes the authorization in the bill for the use of $50 million to resume nuclear weapons testing.

With that brief opening statement—and I will be expanding on this further—I now yield 10 minutes to my colleague, the junior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. If I may ask the Senator from Nebraska, I hoped to have about 15 minutes before the end of the debate. May I take all that time at this point?

Mr. EXON. Yes, I will yield 15 minutes.

Mr. THURMOND. I thought I had to make my opening statement.

Mr. EXON. If the Senator from South Carolina wishes to make an opening statement preceding the 15-minute remarks by the Senator from New Mexico, I am certain that will be agreeable.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself such time as may be necessary.

The proposed amendment is the result of the diligent efforts of interested parties that have endeavored to resolve concerns raised by the original provisions of title XXXI. I would like to thank the distinguished Senator PETE DOMENICI of New Mexico, Chairman of the Subcommittee on Energy and Water Development. Without the efforts of Senator DOMENICI and his staff the agreement underlying this amendment could not have been reached. It has been a privilege to work with him and his staff, I say to Senator DOMENICI.

I would also like to thank the other Senators that have cosponsored this amendment, and contributed to the substance of the amendment. I want to specifically recognize the superb efforts of Senator LOTT, the Chairman of the Strategic Forces subcommittee in arriving at this agreement. Finally, I wish to thank Senator KEMPTHORNE whose excellent work raised key issues in hearings on the Department of Energy.

Through this amendment we have achieved what we and our cosponsors believe is a prudent balance between the need to focus the Department of Energy on the near-term manufacturing capabilities required for the nuclear weapons stockpile and the need to invest in long-term science-based stockpile stewardship. With this compromise we also restore the necessary resources to meet the Department of Energy's request for nonproliferation, verification, and arms control research and development.

This bill sends the message that the Senate will support the necessary investment in this crucial element of strategic nuclear deterrence. Working together, we will continue to do what is necessary to maintain the safety and reliability of the nuclear stockpile. Maintaining the Nation's smaller nuclear stockpile in a safe and reliable condition to meet the requirements of the Department of Defense is the first priority mission of the national security programs of the Department of Energy. The Department of Energy and the administration must not lose sight of this fact as they work to fund a variety of other important programs, such as the Environmental Restoration and Waste Management Program, which this amendment also supports.

I yield the floor.

Mr. DOMENICI. Will Senator THURMOND yield me 5 minutes to speak on the amendment?

Mr. THURMOND. Mr. President, I yield the able Senator from New Mexico 5 minutes.

Mr. DOMENICI. I thank the Senator.

Mr. President, first, let me thank Senator THURMOND for the kind remarks. Obviously, for those who know of my interest in the defense laboratories that are operated by the Department of Energy, in particular the three major nuclear deterrent laboratories of Los Alamos, Sandia-Albuquerque, and Lawrence Livermore, this is a very good amendment from the standpoint of recognizing their capability and their prowess in terms of maintaining the nuclear deterrent in a safe and reliable fashion.

We are engaged, now, in a great transition between where we were going and what we were defending against, in terms of the development of nuclear weapons. Essentially, this bill says let us go a little bit slow before we jump to conclusions as to how we are going to replace and replenish the nuclear stockpile over time. Because, it says, we are moving now in the direction of a stewardship program that is built around the nuclear laboratories and in conjunction with the complex that does much of the fabricating and manufacturing. But it says we are not going to move rapidly into a ''let us build up and let us make sure we have all the manufacturing capabilities,'' but, rather, let us rely upon the institutions within the Defense Department and the DOE to tell us precisely how we ought to handle the stockpile we are going to have to maintain.

I am very pleased that we struck a good balance here in that the Department of Energy and the Department of Defense wanted us to move toward a science-based stewardship program built around the three national laboratories, and we are in the process of developing that.

While we are doing that, we do not want to let the other complexes that

were part of keeping us strong—we do not want to have them disappear. So there is money in here to keep them going, have them in a good state of repair, and make necessary investments.

In the meantime, the institutions within the DOD and Department of Energy will be advising the Congress on precisely how we ought to, over a long period of time, maintain the requisite number of nuclear warheads and weapons.

We do not have that kind of recommendation yet, and the bill, if not amended, would have drawn some conclusions in that regard that the Senator from New Mexico thought were premature. So that is why this amendment was offered. That is why we all worked very hard to put it together.

It clearly says the powerful laboratories, including three or four that are helping with it, including the one in the State of Idaho, Argonne, and others—that all of these are part of maintaining our nuclear stockpile in one way or another and are also part of making sure we do the cleanup work and we maintain the capability for storage of the fuel that we need that is coming out of the defense side.

So, Mr. President, this amendment increases the stockpile stewardship by $239 million. It maintains the nuclear posture review as the means of determining the size of the United States nuclear weapons stockpile. It lifts the prohibition on lab-directed research and development, and allows the Secretary to choose between a reactor and accelerator to produce tritium but it locates that in South Carolina, and provides additional stockpile management funding to upgrade the DOE production complex to meet manufacturing requirements.

So I believe when you look at that it is a rather comprehensive amendment, and it is a substitute for a very major part of the bill.

I want to thank Senators on our side who worked together, and it was my privilege—not being on the committee—to work with them in putting this amendment into the form that I believe the Senate ought to adopt without a dissenting vote.

I want to acknowledge Senator BINGAMAN's actions with reference to this. Obviously in the committee he expressed some doubts about this. He will express those himself today. And clearly working together with Democrats and Republicans, and Senators like Senator BINGAMAN and Senator NUNN, and others, I think this amendment is going to come out to be a very forward step in maintaining our nuclear weapon deterrent and maintaining the stockpile in an appropriate manner for the next 20, 30 or even 40 years. I thank Senator THURMOND for yielding.

I yield the floor.

Mr. EXON. Mr. President, I certainly want to associate myself with the remarks previously made in this regard by the Senator from South Carolina and the Senator from New Mexico with regard to the measure before us, the underlying amendment that was offered the first thing this morning by the chairman of the Armed Services Committee.

I wholeheartedly support this amendment that was worked out after a lot of hard work and a lot of thought. I think it is a very, very sound amendment. It has the wholehearted support of this Senator.

It is a good time though for me to emphasize—with all the work that has been done by all of the parties that have been partially named thus far this morning that I support—that I think the amendment now before us, the underlying amendment introduced by the Senator from South Carolina, is a great improvement over what came out of the committee, and I believe it is nearly unanimously supported. I thank all of those who played a key role in working this out.

It is a good time for me to emphasize though that the second-degree Exon amendment goes after one part of this bill which I will be talking about in greater detail as will many others Senators. That is the part of the bill which allows hydronuclear testing which we think is an important step in the wrong direction, and, if the Exon second-degree amendment is approved today, I think there will be unanimous support for the bill as introduced by the Senator from South Carolina—if the Exon-Hatfield, et al., amendment is accepted.

With that statement, I reserve the remainder of my time.

I yield 15 minutes—with my thanks for all the work he has done on this in company with Senator DOMENICI and others—to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I appreciate the statement by the Senator from Nebraska, and also the statement by my colleague from New Mexico.

Mr. President, I rise as a cosponsor of the Thurmond amendment and of the Exon second-degree amendment to it. I would first like to explain to my colleagues why the Thurmond amendment is an enormous improvement over the DOE provisions currently in the bill. There are three exceptions and they are being dealt with in the second-degree amendments being proposed by Senators EXON, REID, and MCCAIN. I will support all of those amendments as well.

When we debated this bill in committee, I raised numerous objections to the DOE provisions. I expressed the view that these provisions took a series of extreme positions for which there was no support in the hearing record of the committee. My objections were summarized in the dissenting views I filed in the committee's report. I am pleased to report to my colleagues that the Thurmond substitute amendment has now corrected most of the numerous problems I identified and several that were subsequently identified by the executive branch.

Let me highlight the most significant changes:

I had criticized the tritium production and plutonium disposition provisions because they would have prejudged ongoing programmatic environmental impact statements by favoring a multipurpose reactor approach—the least likely approach to come out of these studies. The Thurmond amendment is now neutral on the technical choice. It appropriately funds work on tritium targets, work that DOE under Secretary Curtis told us in the Strategic Forces Subcommittee hearing on May 16 would be required under all options.

Unfortunately, while backing off from making a technical choice on tritium production, the Thurmond amendment now contains a provision mandating that any new tritium production facility be sited at Savannah River. It is that provision which Senator REID is seeking to strike because it obviously disadvantages the Nevada test site in the ongoing environmental impact statement process.

The tritium language also makes $10 million available to a university consortium for plutonium research. Senator MCCAIN will seek to ensure that any money spent for university research in this area is competitively awarded. This is a long-standing policy of the Armed Services Committee at least since Senator TOWER was chairman.

The second area that was problematic in the original bill was a series of provisions—sections 3134, 3163, and 3166—and a $344 million funding add-on aimed at sizing a nuclear weapons manufacturing complex at cold war levels when far more cost-effective alternatives are being developed in the stockpile stewardship and management programmatic environmental impact statement process. Those provisions are entirely reworked in the Thurmond amendment and the funding for stockpile management has been reduced $215 million. There is now no mandate to rebuild production capacity to cold war levels. What is left in the bill is consistent with the ongoing programmatic environmental impact statement process on stockpile stewardship and management.

The third problem in the original bill had to do with laboratory management and funding. Senator DOMENICI referred to this. The original bill contained a provision, section 3139, barring the laboratories from using defense program funds for laboratory-directed basic research, the lifeblood of the laboratories, and for science education. The bill also cut requested funding for dual-use technology partnerships with industry by $249 million. The Thurmond amendment deletes the prohibition on use of defense funds for lab-directed basic research and science education, restores $239 million for the stockpile stewardship technology partnership

and education programs and includes a provision that all of these programs must support national security requirements.

The fourth problem in the original bill involved a severe cut in requested funding for nonproliferation and arms control verification program—a total of $78 million. This would have very seriously damaged the national laboratories' programs in critical areas and slowed the effort to bring Russian nuclear weapons facilities under better security and safeguards. The Thurmond amendment restores all of that funding.

The fifth problem in the original bill involved provisions, sections 3137 and 3138, which would have put the Department of Energy's defense facilities outside the purview of the National Environmental Policy Act and raised a constitutional separation of powers issue according to the Secretary of Energy, who opposed them. The Thurmond amendment deletes those provisions.

Finally, the original bill included a provision, section 3167, that, according to the statement of administration policy on this bill, would have prohibited international inspections of DOE facilities under the terms of the treaty between the United States and the International Atomic Energy Agency. The Thurmond amendment deletes this provision, which I know Senator PELL was very concerned about.

This rewrite of the DOE provisions marks a significant improvement in this bill as a whole. It brings this bill into alignment with the energy and water appropriations bill passed on Tuesday evening and with the administration's request with only modest changes. I commend my senior colleagues from New Mexico, Senator DOMENICI, for his central role in helping to bring about this result. He did yeoman work on convincing the members of the Armed Services Committee on his side to accept these changes. I also commend him for producing in his role as chairman of the subcommittee the excellent defense section of the energy and water appropriations bill passed on Tuesday.

Mr. President, there are still, however three problems with the Thurmond amendment. I have already mentioned the Reid and McCain amendments. Let me now turn to the amendment being offered by Senator EXON.

Senator EXON is seeking to strike a provision in the Thurmond amendment, which was also in the underlying bill. The provision sets aside $50 million to prepare for hydronuclear testing. The administration did not request funds to carry out hydronuclear tests in fiscal year 1996. These are tests with a low yield, usually measured in pounds of TNT, which provide information about the ignition of the primary of a nuclear weapon. These are expensive tests to conduct, approximately the same as for a nuclear weapons test—on the order of $10 to $20 million per test.

The administration's policy in the ongoing Comprehensive Test Ban negotiations is to limit such tests to a yield of four pounds of TNT. The administration is not opposed in principle to such testing, but the technical experts have not found tests which are worth doing. A 1994 summer study by a JASON task force, chaired by Sid Drell of Stanford University, has recommended against hydronuclear testing. The JASON's are a group of the Nation's foremost scientists who under the aegis of the Mitre Corp. advise DOD and DOE on technical matters. They wrote:

> The very limited added value of hydronuclear tests that provide for a brief glimpse into the very early stages of critically have to be weighed against costs, and against the impact of continuing an underground testing program at the Nevada Test Site on U.S. nonproliferation goals. On balance we oppose hydronuclear testing.

Mr. President, this is frankly a highly complex matter. The bottom line for me is that the nuclear weapon stewards in the Department are not crying out for hydronuclear tests within their limited budgets. The best minds in the scientific community on balance do not support them. If a specific problem arises that would require a hydronuclear test to resolve, I believe that the administration would request the funds and the test would be conducted within the 4 pound limit the President has set. But the bill before us and the Thurmond amendment insist on spending $50 million to prepare for hydronuclear tests with no specific purpose in mind.

I attended the May 16 Strategic Forces Subcommittee hearings on the weapons program and I can recall no witness from the laboratories or DOE or the Pentagon demanding such test preparations.

Mr. President, we can not afford to spend money unwisely when we are fighting to bring our deficit under control. I urge my colleagues to support Senator EXON's amendment.

To summarize, Mr. President, I am cosponsoring the Thurmond amendment because it is an enormous improvement in six different areas over the existing bill language. I also support all three efforts to further improve the language in the Thurmond amendment.

Mr. DOMENICI. Will the Senator yield?

Mr. BINGAMAN. Yes, I am glad to yield to my colleague from New Mexico.

Mr. DOMENICI. Mr. President, I just wanted to correct one item the Senator would not have known about because it was changed last night. Senator MCCAIN's request for competitiveness with reference to that $10 million university project, is in the amendment as offered.

I am not speaking for Senator MCCAIN, but I am not sure there will be an amendment on that effort because he already prevailed and it is in the amendment that was sent to the desk.

Mr. BINGAMAN. Mr. President, I appreciate that updated information. I think that is one additional improvement in the Thurmond amendment and I, as I say, commend my colleague and others who have worked hard to put this amendment together. I hope we can pass it with an overwhelming vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to speak on the Exon amendment, the Exon-Hatfield amendment, and I yield myself 10 minutes.

Mr. EXON. I yield 10 minutes or whatever time he needs to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I wonder if the Senator from Nevada will yield for a question.

Mr. REID. I will be happy to, as long as it is on Senator EXON's time.

Mr. HATFIELD. I would like to ask if this would be a convenient time for me to speak.

Mr. REID. Very convenient.

Mr. HATFIELD. I am trying to get ahead of the game at 10 o'clock.

Mr. REID. I know the Senator has a full committee markup.

Mr. HATFIELD. I thank the Senator and I thank Senator EXON.

Mr. President, it is a pleasure to join with Senator EXON this morning. The Senator from Nebraska is perhaps one of the Senate's most knowledgeable persons on the issues involving the nuclear weapons stockpile. He has certainly demonstrated leadership in protecting the integrity of the stockpile, as well as the efforts to end nuclear proliferation. So I do not believe this is an either/or situation. I think it is a very wise approach that the Senator from Nebraska has created for us to consider.

I think every Senator should be aware that the bill as reported by the Armed Services Committee contains an extremely provocative, unnecessary, and expensive provision which would allow for the preparation of hydronuclear experiments which would yield expulsions up to 20 tons.

Mr. President, we got out of that nuclear explosive testing business 3 years ago by the actions of this body. Three years ago, the Congress adopted a moratorium on underground nuclear testing, and this moratorium was put in place as an acknowledgment after hundreds—hundreds—of underground tests of our nuclear stockpile. It was in our national interest not to test.

The Armed Services Committee in its report justifies this provision and the authorization for $50 million to prepare for these tests with a statement that it is concerned about the readiness of the Nevada test site. This is the wrong reason to test. In fact, this is not a reason

at all. It is no reason. I will be interested to learn the source of concerns about the test site's readiness capabilities—who dreamed this up, and why the preparation for a hydronuclear test is the preferred option for maintaining that readiness. I think we deserve to have that kind of information and the source of it.

As most Senators know, the Exon-Hatfield-Mitchell law, which initiated our testing moratorium 3 years ago, acknowledged the possibility that a resumption of testing could be necessary to ensure the safety and reliability of the stockpile. Following an initial 9-month moratorium on testing, the Exon-Hatfield-Mitchell law allows for a 3-year program of limited testing and no more than five tests per year. So there is a flexibility factor already in the law. To date, the President of the United States has not certified that any weapon in the arsenal has a safety or reliability problem that would require explosive testing.

So certainly the President, who has a role to play in this, and especially through the Department of Defense, has no request for this. This is pure and simple a resurrection of the cold war mentality that has dominated this Congress for too long, especially under the military industrial complex that exists all over this country that former President Eisenhower warned this country against.

Yet the Armed Services Committee is recommending that the full Senate approve $50 million to prepare for the commencement of a series of tests at the Nevada test site. Why? There is no justification for these funds. There is no request for these funds—not from the Department of Defense, not from the President of the United States, not from the National Security Council, not from any body of authority that represents the major responsibility for protecting this country.

The provision included in the bill must be removed. It is dangerous and provocative and threatens the goal clearly stated by a Congress when it adopted the Exon-Hatfield-Mitchell law. That goal is the successful negotiation of a comprehensive test ban treaty.

Let me say that again. The goal is a comprehensive test ban treaty, not the renewal of testing to challenge the rest of the nations of the world.

Mr. President, current CTB negotiations led by the United States contain a discussion about thermal nuclear tests, but the official position of the United States is that the comprehensive test ban should prohibit all nuclear tests exceeding 4 pounds. Four pounds, Mr. President, not 40,000 pounds as the Armed Services Committee is proposing.

I believe that the provision in this bill and its accompanying report are fatally flawed. Let me read to my colleagues a passage from page 367 of the Armed Services report:

> The Committee recognizes that the administration is currently negotiating a Comprehensive Test Ban Treaty in an effort to preclude or make more difficult the spread of nuclear weapons. However, the committee notes that sub-kiloton hydronuclear experiments are not particularly suitable for bomb development or giving foreign military planners confidence in a nuclear weapons design.

I am stunned by this passage. It is factually incorrect. Independent nuclear weapons experts have made it clear that hydronuclear tests are useful to proliferant states attempting to develop nuclear weapons capabilities. That is the very reason the United States comprehensive test ban negotiation position bars such tests over a few pounds of yield. This bill ignores these facts and argues that the United States should prepare for tests anyway.

It is clear to me and should be to all of my colleagues that the provision included in the bill is at the very best a very unfortunate mistake. The President has not requested these tests. The independent group of nuclear weapons experts known as the JASON group concurs that testing because no safety or reliability problem exists.

If this mistake is left unrepaired, it will result in grave consequences. American public opinion is solidly behind the effort to achieve a comprehensive test ban treaty and expect our leadership in the negotiations. If this bill is adopted with the current provision intact, we will irreparably harm our ability to negotiate a comprehensive test ban. I fully expect the American public and people around the world to react with the same astonishment and anger that it vented when France announced its decision to resume testing.

The Exon-Hatfield proposed amendment must be adopted if we are to avoid a return to the Dark Ages of a nuclear arms race. Three years ago we were able to end the cycle of vague justifications for underground nuclear testing and replace them with concrete requirements which must be met before testing resumes. The provision included in this bill breaks current law and will likely lead to irreparable harm to the comprehensive test ban negotiations.

Mr. President, as the chairman of the Senate Appropriations Committee, I would make one final note. The Senate has already completed action on the energy and water appropriations bill, which contains funding for weapons activities. That bill does not include funds for hydronuclear testing. Voting for this amendment would be consistent—that is, voting for our proposed amendment, Senator EXON's and mine—with current law as well as appropriations for the coming fiscal year. And I can assure the Armed Services Committee I will do all within my power as the chairman of the Appropriations Committee to block any funding for this kind of foolishness if it should prevail in this final bill.

Now, Mr. President, I would add one final note. For the last few days I have been asked to interview on my experience in Hiroshima a month after the bomb had been dropped, following World War II. It has only been the last few years that I would even like to talk about that kind of experience. But how—how absolutely immoral, how insensitive to begin to act for this kind of provision on the 50th anniversary of that horrible devastation that was wreaked upon Hiroshima and the people of Japan. What a monster we let loose in that situation.

It saved my life. I can attest to that because we were stationed for the invasion of Japan at the time. And having been in that occupation of September 2, 1945, and seen the following MacArthur order to put a white sheet before each of the gun emplacements at the very area we were to invade it was like sailing through inland seas of checkerboards. It would have been a murderous crossfire upon which probably who knows, a million people would have lost their lives. But nevertheless—nevertheless—not trying to judge in hindsight the wisdom of that bomb, the fact is, how insensitive on the 50th anniversary of that bomb to propose something of returning to the Dark Age mentality of testing again for increasing the capacity to kill and to destroy life as this would lead us to.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I yield myself such time as I may need from our allotted time.

I just want to compliment my very dear friend and colleague from Oregon for the excellent remarks that he has just made. It puts in perspective so dramatically and so honestly and in such a straightforward manner the heart and soul of the Exon-Hatfield amendment, which is to follow on the Exon-Hatfield amendment of 3 years ago that we were joined in by the then-majority leader, George Mitchell. I think maybe we were somewhat surprised when we won that vote. But I think it was a giant leap forward in facing up to the realities of the situation that confront us.

So I thank my friend and colleague, a man of great wisdom and experience, for outlining in a very articulate fashion his views as to why the Exon-Hatfield amendment should be adopted, and also backing that up with his vast experience. When he was talking about those dark days of World War II when important decisions were being made, I was at Clark Field in the Philippines, which had just been taken during that particular period of time. And I know also—not to the extent that I believe my friend from Oregon did—but we knew full well what was being planned. We knew the sacrifices that were going to have to be made. And when the Senator from Oregon said his life was probably saved by that action, I think that is very much on point.

Having said that, I would like to come to the defense for a moment of former Senator Harry Truman, then President Harry Truman, who had the

courage to make that devastating decision that I believe very likely left its mark on the great President Harry Truman.

I am convinced he did the right thing, but it was a horrible thing. The Senator from Oregon has brought that very dramatically to the attention of the Senate.

Therefore, while I have been known as a hawk, and continue to be a hawk, I happen to feel that humanity has to recognize that if we keep maintaining as a major part of our national security the threat of another Hiroshima, then we are in dire circumstances, as far as humanity is concerned.

I ask my friend, though, about one part of his remarks, if I understood them correctly—I suspect there was somewhat an unintended understatement, if I heard my friend correctly—I believe he said that if the Exon-Hatfield amendment is not adopted, it will irreparably harm the chances for a nuclear test ban treaty. I believe those were the well-chosen words the Senator from Oregon used.

I happen to think that is a very minimal statement. I simply say if the Exon-Hatfield amendment does not prevail, it will not harm our effort for a comprehensive test ban treaty, it will destroy it.

I wonder if the Senator from Oregon feels that I am justified in making that statement a little more stronger than he did in his well-chosen remarks?

Mr. HATFIELD. I would not want to debate that issue with the Senator, because I know that he made that with care, understanding, with great feeling. I do feel, based upon the kind of outpouring of criticism that was leveled by all parts of the world against France for its announced intention to resume testing, that it would be escalated by about a hundredfold against the United States because of our superb leadership role we play in making those policies that affect the whole world, far more than France. But nevertheless, even with France, it is a setback. I think it would be even a greater setback and perhaps lead to total impossibility of success if you resume testing.

(Mr. SHELBY assumed the chair.)

Mr. EXON. I could not agree more and thank my friend for his remarks.

Mr. President, the Exon-Hatfield amendment then, if I can repeat that again, is a very simple and straightforward one. It will delete section 3135 of the bill in its entirety and remove the $50 million authorization for hydronuclear testing that the Senator from Oregon has addressed in a very eloquent fashion.

Our amendment makes no adjustment to the funding for either the stockpile stewardship program or the overall Energy Department budget. Our amendment is funding neutral. It simply removes the authorization in the bill to use $50 million to resume nuclear weapons testing, and the reasons for removing that and not doing it have been adequately addressed already by my colleague from Oregon and the junior Senator from New Mexico.

Three years ago, as was alluded to by Senator HATFIELD, a strong bipartisan coalition in both Houses of Congress twice approved a plan to phase out nuclear weapons testing and give the moribund comprehensive test ban negotiations a shot in the arm. Successful negotiation of a global comprehensive test ban treaty would significantly advance the cause of nuclear weapons proliferation by denying those nations tempted to develop nuclear capability the means to prove out their weapons. Getting that done, in the view of this Senator, is absolutely essential.

The Senator from Oregon, Mr. President, raised some rather interesting questions in his riveting remarks to the Senate this morning. He said, why is this included in the defense authorization bill? It was not requested by the administration. How did it creep back in? I suggest the answer to the question is that, despite all of our efforts to the contrary, there are people embedded in the Pentagon today that want to resume nuclear testing on a full-scale basis. This is a step in that direction, a very important and a very ill-timed one, in the opinion of this Senator.

Those people deep inside the Pentagon, and associated with it, have tried to influence the President of the United States to lift his objections, which he has stated over and over and over again to not begin nuclear testing by the United States of America, who is far ahead of any real, imagined or invented future enemies that might be a nuclear threat. If we begin testing today, it will be viewed by the rest of the world as they are currently reviewing and showing their distress of the French and their distress of the Chinese for the testing in this area that they are about as of now.

We must not join. The attack that will be launched against China and France and the United States of America, the leader in this field, is a terrible step in the wrong direction.

Mr. President, I feel so strongly about this issue. I talked a great deal yesterday, along with others, about the ballistic missile defense system. And on a close vote, the Senate validated the actions of our Armed Services Committee in that regard. I think that was a terrible mistake, but it has been done. But if we do not adopt the Exon-Hatfield amendment and go ahead with this program that is an open invitation, much more than a camel's nose under the tent, to start the nuclear race all over again, we will have essentially no one but ourselves to blame.

A comprehensive test ban would also freeze in place the inherent advantage of the United States, as it has at the present time, because we possess the most tested and proven nuclear stockpile ever. After 1,148 nuclear weapons tests over 50 years, the United States possesses the safest and most reliable nuclear weapons in the world. No one can argue with that.

The resulting law that we talked about earlier, called the Hatfield-Exon-Mitchell law, enacted an initial 9 months testing moratorium period, followed by 3 years of limited weapons testing, if necessary. And the Senator from Oregon referenced that in his remarks this morning.

During this 3-year period, no more than 5 safety and reliability tests could be conducted each year, for a total of 15 tests. Approval for the tests are to be sought from Congress through an annual testing report outlining the justification for such testing.

To date, no authority to conduct any weapons tests have been sought by the administration, and along with Russia, which, of course, are watching us in this area, we have not tested. Now comes France, and we all observe as to what they have done recently with regard to tests.

Likewise, I will mention once again the concern I have with the Chinese action. But during the time following enactment of the Hatfield-Exon-Mitchell law, those nations, led by the United States, have been working hard to reach agreement in Geneva on a comprehensive test ban treaty.

If we want to flush that down the drain, then defeat the Exon-Hatfield, et al., amendment.

I must confess, Mr. President, that I have had some rather angry words with certain administration officials on this particular matter. While the President has been steadfast, there are some close to him who are wishy-washy on this issue. I hope the President will listen to those of us who have done a great deal of study and have a great deal of concern about this. And I think the President will, notwithstanding the fact that some of those closest to him are wishy-washy on the issue, and I have told that to them to their face.

After 2 years of negotiations, we are hopeful that we are entering maybe some kind of an end-game with regard to a comprehensive test ban treaty. The nuclear and nonnuclear nations of the world are on track to reach an agreement, possibly, by 1996—a goal expressly endorsed by not only the United States, but China, Russia, and France. No one should ignore the fact that the permanent extension of the nuclear nonproliferation treaty was obtained this spring with the assurance provided by the nuclear powers that a comprehensive test ban treaty would soon follow. The world is in agreement: It is time to close the nuclear Pandora's box, and a comprehensive test ban treaty is a significant step toward that end. Let us not kill the possibility.

I recount the history of this issue so as to provide a context for better understanding the real reason why the Armed Services Committee provided $50 million for hydronuclear testing. Let no Senator misunderstand the true

intent behind this provision of the bill. Its purpose is to bust out of the nuclear testing moratorium we have been observing for the past 3 years as a result of the Hatfield-Exon-Mitchell bill that has been referenced on several occasions this morning. It wants the United States to renege on our commitment made during the NPT conference. It hopes to scuttle the comprehensive test ban treaty negotiations now underway.

The cumulative effect of these consequences will be to undermine our efforts to halt the spread of nuclear weapons around the world. As a result, our national security will be weakened, not enhanced, by the resumption of nuclear weapons testing and a new nuclear race will be in full swing. Our standing as a world leader will be irreparably harmed on the issue of nonproliferation. For proof of these things to come, simply look at the world condemnation over the recent French decision to resume testing. The world is astonished, but the French, in their way, go ahead as they always do. Let us not follow their course.

Some may ask, what is a hydronuclear test exactly? The simple definition is that it is a very low yield detonation—usually measured at a few pounds of explosive yield—to assess primary performance and safety of warheads. While a high-explosive explosion generates sufficient energy to melt the core of the weapon, the nuclear energy release is insufficient to cause the bomb to reach full criticality and with the possibility that it would explode with full power. It is true that the U.S. negotiation position in Geneva would allow for such experiments not to exceed 4 pounds of yield under a comprehensive test ban treaty. However, a treaty agreement has not been reached, and it is the present administration policy not to conduct such tests outside the treaty. I hope the President and the administration maintain that position.

Moreover, the authorization bill seems to use the term ''hydronuclear experiments'' rather loosely. As section 3165 of the bill notes, the tests to be performed may be measured not in terms of pounds of TNT yield, but rather in tons. That was stated in somewhat different form by the Senator from Oregon in his remarks to the Senate this morning. The type of nuclear tests the committee majority has in mind are not—I emphasize ''not,'' Mr. President—traditional hydronuclear tests. They are looking at detonation with yields up to 40,000 pounds— that is a whole lot more than 4 pounds—or 20 tons of explosive power.

The $50 million authorization provided in the bill for these nuclear weapons tests is a particularly mischievous add-on to the President's budget request. The mandate is in violation of existing law, which states that all proposed nuclear tests be included in the annual administration report on our Nation's nuclear weapons stockpile and the need, if any, to conduct tests. Specifically, the bill violates the provision of the Hatfield-Exon-Mitchell law that states, ''Only the numbers and types of tests specified in the report * * * may be tested.''

In short, the bill totally negates the process already in existence for proposing and approving, with congressional concurrence, new nuclear weapons tests.

More central to the point is whether these new tests are really needed. No safety or reliability problem is known to exist with any of our Nation's nuclear weapons to justify a resumption of weapons testing. On this most important point, there is no disagreement. Administration officials, from the laboratories to the Secretaries of Defense and Energy, all the way up to the President, are unanimous in this opinion. Even the JASON group—also referenced by the Senator from Oregon in his remarks this morning—an assembly of outside nuclear weapons experts, concurs with the finding that no safety or reliability problem exists, and that the restart of nuclear testing is not necessary.

Mr. President, there is no explanation in the committee bill as to which warheads are to be tested, or which weapons, why they are to be tested—though, in a very vague fashion, almost a carte blanche authority—and they do not even say how many tests are allowed. There is no limit.

Absent a known safety or reliability problem, the primary purpose for the resumption of testing is unknown. If it is to maintain worker expertise at the Nevada test site, it should be made clear that the committee has received no testimony to suggest that the testing expertise is eroding, or if it was, the proposed authorization to use $50 million to resume testing would stem this.

There is not any question but that this Senator has stood at the forefront—because we live in an uncertain world, and we have no way of knowing what the next move in the world, especially in nuclear testing is going to be—I have been at the forefront in maintaining a facility, with the people at the Nevada test site to be there, to do the testing, if an emergency arises.

I suggest that the true reason for the committee action is the basic belief that the United States should test for the sake of testing. It is a good thing to do, some seem to feel, even if it means undermining our Nation's efforts to close Pandora's box and halt the spread of nuclear weapons around the globe.

American leadership in the world community is strongest when we lead by example. We should continue to do that—lead by example. There is never more the case than in the area of nuclear weapons testing. We must continue to lead, and we must be responsible.

Contrary to the committee direction, there is no reason, Mr. President, to restart nuclear weapons testing. American public opinion has been solid against such a proposition for quite some time. Our country is poised to join the world community in taking a historic step toward limiting the number of nuclear states in the future.

Seriously endangering these efforts, as the committee testing provision would do, we will be working against the very national security interests that we profess to support in other areas of the bill, such as ballistic missile defense funding and, of course, the Nunn-Lugar program.

Mr. President, I urge my colleagues to support the Exon-Hatfield, et al., amendment and turn back this misguided attempt to fire up the cold war rhetoric of the past.

After 1,100 nuclear detonations, our stockpile is safe. It is reliable. It is time to concern ourselves with whether other nations are going to start and deploy their own nuclear arsenals.

The resumption of U.S. nuclear weapons testing will doom—will doom—the comprehensive test ban negotiations, and in the process, give the green light to the world leaders, hoping to find superpower status in the form of even a nuclear bomb or two.

Our amendment is a choice between priorities. A vote for the Exon-Hatfield, et al., amendment is a vote against the spread of nuclear weapons. A vote against our amendment is a vote for more testing and an abdication of responsible U.S. leadership.

We would be no different from the French, in their decision to test—an object of worldwide ridicule and derision.

Mr. President, I urge my colleagues to carefully think and then cast their vote, which I think and hope will be overwhelming, for the cause of halting the spread of nuclear weapons, and support the Exon-Hatfield, et al., amendment.

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

The PRESIDING OFFICER. The Senator from Nebraska has 31 minutes remaining, and the Senator from South Carolina has 61 minutes remaining.

Mr. THURMOND. Mr. President, I yield 20 minutes to the Senator from Nevada.

Mr. REID. Mr. President, I extend my appreciation to the chairman of the committee, the manager of this bill, and extend my congratulations to him, also, for the amendment that he has offered.

This amendment removes the triple play reactor for tritium production, appropriately shifts more funds to stockpile stewardship, restores stewardship funding for industrial partnerships that are critical to the new technology development for stockpile stewardship, and restores verification funding critical to fighting nuclear proliferation

I am also very pleased to see that the amendment endorses test readiness and hydronuclear tests.

There is only one problem I have with the amendment, and under the

unanimous-consent request I will offer an amendment at a subsequent time about that.

Mr. President, I say to my colleagues in the Senate that I have the deepest respect for the senior Senator from Nebraska and the senior Senator from Oregon. I say to my friend from Nebraska that he could not be more wrong. He keeps talking about nuclear testing. This has nothing to do with nuclear testing. That is the whole point of the experiments we are talking about. They are not nuclear tests.

Mr. President, there has been reference by the Senator from Nebraska and the Senator from Oregon about the JASON report. We will talk about the JASON report.

In July of this year, July 25, a couple of weeks ago, the new JASON report, the one that we should be talking about, says:

> Underground testing of nuclear weapons at any yield level below that required to initiate boosting is of limited value to the United States. However, experiments involving high explosive and fissionable materials that do not reach criticality are useful in our understanding of the behavior of weapon materials under relevant physical conditions. They should be included among treaty consistent activities . . .

The report cited by the Senator from Oregon and the Senator from New Mexico—they should have read the more recent version, because it supports what the Senator from South Carolina is doing with this amendment.

With all due respect, they should not be throwing around the JASON report, because quoting from the JASON report arrives at the opposite conclusion.

Now, we will also talk about this as it relates to Nevada. Mr. President, this is not some kind of a pork issue for Nevada. The bill provides funds for a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada test site.

I assure Members that it was written to assure that the majority of funds would go to the weapons laboratories which are not in Nevada. They are in New Mexico and one in California. The funds will go to the labs, regardless of how the vote on this amendment turns out.

Very little, if any, of the funds will go to the Nevada test site. My concern is not dollars to Nevada, but, rather, making it clear that these experiments are important and should be allowed to commence.

I also caution the stewardship supporters that support the Exon amendment could be interpreted as a prohibition of experiments the labs are currently contemplating at the labs and at the test site. I think people should be very careful about the intent of this amendment, and what the final result would be if the amendment is adopted.

There is no accepted definition of hydronuclear experiments. Mischief can and will be done if this amendment is passed. If the amendment is defeated, the decision on hydronuclear experiments will revert to the President, where it belongs.

I am forever amazed, Mr. President, that we are elected to the legislative branch of Government. But it seems we have 535 Secretaries of State. We have people who seem to think that they know better than the executive branch.

The Exon amendment is to limit stewardship, it is to limit readiness, and, of course, hydronuclear experiments. For 3 years we have let our nuclear weapons competence deteriorate. It is now time to end that deterioration. Not to return to the cold war—no one wants to do that—but to maintain and protect our nuclear deterrence and our nuclear expertise.

The Senator who offered the amendment has stated on a number of occasions that there have been a lot of tests conducted. Sure there have been a lot of tests conducted. Carl Lewis has been running and broad jumping and doing all the other things he does for 12 or 15 years. If he stops, he loses that touch. You must continue to work on something you are good at—recognizing that we led the world in safety and reliability of nuclear weapons. Of course we did. Why? Because we continually worked at it and we should not just give up on that.

Stockpile stewardship is critical to maintaining a safe, secure, reliable nuclear stockpile. Stockpile stewardship is also underfunded, but that is not the debate here today. As long as we own nuclear weapons—there is no doubt we will own them for the foreseeable future—we have an obligation to ourselves and to the world to keep them safe, secure and reliable.

My friend who has offered this amendment has attempted to make this a nuclear testing issue. The problem in the world today is not because of nuclear testing. We are not going to do nuclear testing. Even if this amendment is defeated, we are not going to do nuclear testing. The problem in the world today is nuclear weapons, and these experiments will do nothing to harm the negotiations that are taking place for the comprehensive test ban, which I support. I repeat, as long as we own nuclear weapons—and there is no doubt we will own them for the foreseeable future—we have an obligation to ourselves and the rest of the world to keep them safe.

The Senator from Oregon stated we have had hundreds of tests. Of course we have had hundreds of tests. But those tests, the majority of them, were for new weapons development. You cannot have this huge nuclear arsenal we are going to have for the foreseeable future and just let it sit. So long as we choose to own nuclear weapons, without the benefit of full-scale nuclear testing—and we are not talking about doing full-scale nuclear testing—we must support a fully funded stockpile stewardship program. This bill recognizes we must support the ability to resume testing, which is referred to as ''readiness.''

I appreciate the complimentary statement of the author of this amendment regarding readiness. But, until we have proven that the alternative, the stockpile stewardship and management program, will work, we must retain the ability to test in an emergency.

Furthermore, this bill, the underlying bill, recognizes that readiness can only be achieved cost effectively as a byproduct of ongoing experimental programs. The experimental program at the test site has been put on hold for a long time. We have acknowledged that. There was a legitimate break in the test and experimental program, as the laboratories reassessed what needed to be done. I have heard the senior Senator from New Mexico talk for hours about the ability of the labs to do what is important, scientifically, for this country. I accept that and I agree with that. We have had these labs, the best in the world, the best the world has ever known—we have had these labs reassess what needs to be done in a world without nuclear testing. Because, no matter what the Senator from Oregon says, no matter what the Senator from Nebraska says, we are not talking about nuclear testing. Our laboratories have said: We have reassessed this in light of the fact we do not believe there is going to be further nuclear testing. They say to give us confidence in our nuclear weapons, a transition must be made.

That is what we are talking about and that is why I support the amendment offered by the Senator from South Carolina.

There was some added delay that came in deference to politics —not good science; politics—to the extension of the Nuclear Nonproliferation Treaty. That treaty has been extended. I supported that. We are now engaged in comprehensive test ban negotiations, but the experiments the labs have proposed for 1996, and the President would approve, are clearly well within the scope of any potential comprehensive test ban. They are also well outside the scope of the Hatfield-Exon-Mitchell testing limitation.

If there is any problem in the bill because of report language or some vague, abstract thought process that people may have, I have acknowledged to the Senator from Nebraska we will put specific language—I should say more specific language—in the bill saying the tests are limited to no more than 4 pounds. I made that offer. But people do not want to accept that. They want to fight on nuclear testing, and there is no nuclear testing. We cannot fight about something that does not exist.

I repeat, we will offer to say there can be no experiment—not a test—no experiment over 4 pounds; not tons, not kilotons, not megatons—4 pounds. How big is 4 pounds?

My dad was a miner. I used to go down, as a boy, with him in the mines. He would drill the holes and he would load the holes, tamp that powder in—sticks of dynamite. He would put in 4

pounds, and 4 pounds is not very much, Mr. President. We acknowledge that. We agree to that. Because that is what the amendment of the Senator from South Carolina talks about, is those experiments of 4 pounds or less.

But no one has agreed to accept that. Why? Because they want to debate here on nuclear testing. This is not what the debate is about. This is not nuclear testing.

So, I urge my colleagues to vote against this Exon amendment. What does this amendment mean for U.S. policy? The United States is trying to negotiate a comprehensive test ban by the end of this year. Our goal is to end nuclear testing. Our goal is also to preserve the right to do treaty-compliant experiments, and that is what we are talking about here today. Hydronuclear experiments would be included in this.

We passed a resolution earlier this session of Congress to continue to hold firm in seeking these goals. I supported that. That was the right way to go. Recently, 24 Senators wrote the President to request that he not change his strategy. That strategy includes the experiments we are talking about in this amendment—not big tests; but experiments of less than 4 pounds. Are we now telling the President to change his strategy, to no longer seek to assure the right to do these important experiments? I hope the answer is no, and that the record will show that the answer is no, because otherwise this amendment is much more dangerous than it appears on the surface.

What is a hydronuclear experiment?

Could I ask the Chair how much time of the 20 minutes does the Senator from Nevada have left?

The PRESIDING OFFICER. The Senator from Nevada currently has approximately 8 minutes remaining.

Mr. REID. What is a hydronuclear experiment? I am quoting:

> Nuclear materials, either plutonium or uranium are configured with high explosives in a geometry very similar to a nuclear explosion. The amount of material and/or the geometry are chosen so that no—

I underline or underscore ''no.''

> nuclear chain reaction will occur when the explosion is detonated. Nuclear reactions occur and radiation is emitted in tiny quantities. By historic convention, in the United States the yield of an experiment is less than 4 pounds of TNT equivalent.

This is a millionth of a kiloton. This is 4 pounds.

The vast majority of informed experts that have studied the issue of the safety and reliability of nuclear weapons, including the JASON group—including the JASON group—who have studied the issue of the safety and reliability of nuclear weapons, recognize the importance of doing the experiments we are talking about today.

The only substantial debate is over the value or the size or the yield of these various experiments. That debate is going on in the Government now. But remember, we have agreed to clearly indicate, in this amendment, that it would be no more than 4 pounds.

So that is what the bill seeks to support. That is why we need hydronuclear experiments. And that is why we should support this bill and defeat the Exon amendment.

This is not, I repeat, a fight over nuclear testing. We should not let this become a fight over nuclear testing. Nothing in this bill will lead us to break any treaty, to break any existing law, or to end our testing moratorium.

To compare 4-pound experiments to what the French or Chinese are doing is stretching one's imagination beyond my ability to comprehend. The French are setting off kilotons in the middle of the ocean. In the Chinese deserts, they are setting off kilotons, thousands of tons of TNT.

So to try to compare that to these tiny little experiments in which you could carry the dynamite around in your pockets, 4 pounds, is absolutely absurd.

We know that the President will only approve treaty compliance experiments. We know the President's position on a comprehensive test ban. He has made it very clear. This bill will not change the President's position on that. The issue is whether you can conduct these experiments. The only experiments being proposed by the labs or the Department of Energy are treaty compliance, and well within the scope of any plausible test ban treaty.

The experimental preparations called for in this bill are long overdue. We are talking about experimental preparations that will be done in laboratories.

Senator EXON and others are concerned about this bill leading to an undermining of U.S. efforts to conclude a comprehensive test ban. There is no basis for that concern. First of all, the President must approve all nuclear tests or hydronuclear experiments. And we all know that he will not approve any experiment that is not consistent with our negotiating position.

Second, the hydronuclear experiments that would be considered by the nuclear weapons laboratories and the Department of Energy will not have yield that would be considered a nuclear tests under U.S. law or under international conventions. What this bill will do is get our Nation moving on fully developing our stockpile stewardship program.

Is there anything wrong with wanting to make sure that these weapons that we have are safe and reliable? No one is talking about building new weapons or new weapons systems. Should we not have a stockpile, no matter how large or how small, that is safe and reliable? I hope the answer cries out as yes.

An essential element of a program like this is a program of experiments that uses both nuclear materials and high explosives, a program of hydrodynamic experiments and hydronuclear experiments. This bill says that we have delayed these experiments long enough, and it is time to move with an experimental program and do it soon.

This program is critical to stockpile stewardship. This program is critical to readiness. And let me add that readiness to testing is critical until we have fully established that we can maintain the safety and reliability of our nuclear stockpile without nuclear testing. This is not an attempt to start testing. This is an attempt to find an alternative to testing and at the same time preserve our capability to resume testing if our national security demands it.

We must be concerned about the dangers of an accidental explosion. We must be concerned that we have a safe and reliable stockpile.

I again refer to the professional group that was talked about by the Senator from Nebraska and the Senator from Oregon, giving great credence to the JASON report. I again read from their own sources. Their own sources say, however, that experiments involving high explosives and fissionable material that do not reach criticality are useful in improving our understanding of the behavior of weapons materials under relevant physical conditions. They should be included among the treaty's consistent activities.

I suggest that if you are going to use something as a source, you should use the latest source. And the latest source is July 25, 1995, where the JASON group supports what the committee has agreed to in this bill. Based upon the JASON report of good common sense, logic, and the safety and reliability of our weapons, this amendment should be defeated.

Mr. EXON. Mr. President, I was hoping we could move back and forth on time. There are 31 minutes left on our side.

I would like to have a better balance on time. But if there is no speaker ready to go over here, I yield 20 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank my friend from Nebraska.

Mr. President, this discussion is taking place on the anniversary of the end of World War II and the use of atomic weapons, as we all are aware from the news reports of the last few days. It was the first time we really had weapons of mass destruction used like this, and we saw what nuclear weapons could do. My view in that area, as an aside, is that we really saved lives, both Japanese and American, by what happened out there. But out of World War II we came into the cold war, where bomb and missile development became very major programs and became survival for this country.

At the same time, though, that we were proceeding along those lines, we kept our concerns about the spread of nuclear weapons and nuclear material, and hoped all along that someday we

could get control of our nuclear stockpiles as well as those of our major adversary for all of those years, the Soviet Union. Then, in the meantime, we hoped that others could be persuaded not to go the nuclear route. We had hopes that someday we might get control of some of these matters. Until that day, we wanted to prevent the spread of nuclear weapons. We did not want to see nuclear information, nuclear weapons, be spread to smaller and smaller nations where maybe their use would be common in border wars and things that the rest of the world would not deem that important. And we would see new levels of terror around the world that would make Hiroshima and Nagasaki look like tiny firecrackers compared to the potential of what might happen.

So what did we do? Well, in the hope that we might be able to make some advances in this area, we formed the Nonproliferation Treaty, and we have just gone through the 25th anniversary. The purpose of NPT was to tell nations foursquare with the nuclear weapons route, if you will, that we will cooperate with you on peaceful uses of nuclear material for medicines or whatever purposes. Meanwhile, we will try to get control of this nuclear stockpile on both sides, Soviet and American, try to get it under control.

We passed legislation here in 1978 just a couple of years or 3 years after I came into the Senate called the Nuclear Nonproliferation Act. The Pressler amendment came much later. Other laws have been put on the books through the years, all with the objective of keeping control of nuclear weapons around the world.

We finally at last, in our day and time, are seeing a reduction in these stockpiles of weapons. We still hope that we can get to a comprehensive test ban sometime, one that is verifiable and justifies the faith that these other nations have placed in the United States. So here we are, in 1995, having really moved down the road a long, long way. We have made a lot of progress.

So, Mr. President, I rise to speak as a cosponsor of the amendment offered by my colleague from Nebraska, Mr. EXON, to strike what I view as an ill-advised provision in the bill pertaining to low-yield testing of nuclear weapons.

On May 12, 178 parties to the Nuclear Nonproliferation Treaty agreed to make that treaty permanent. That was a big fight. They agreed to make that treaty permanent, not a 5-year review as we have been going through, but to make it permanent. And America's success in achieving this outcome was substantially encouraged by promises made by the nuclear weapons states to conclude, to do everything we could to conclude a comprehensive nuclear test ban treaty by 1996.

Shortly after the celebration died down, after that NPT extension, China set off a nuclear device, and said more would follow. France then declared it, too, would fire off a few before halting next year. China continues to support the right to conduct so-called PNE's, peaceful nuclear explosions. These steps by China and France do not help at all to advance the cause of nuclear nonproliferation of either variety—horizontal nonproliferation which seeks to prevent the geographical spread of the bomb in more countries, or vertical proliferation which seeks to prevent the increased growth and sophistication of weapons already in the stockpiles of the nuclear weapons states.

Yet, instead of expressing its opposition to the actions of France and China and proceeding along the lines that we have developed through all of these years, the hoped-for area where we really could get nuclear stockpiles under control, the Armed Services Committee voted on June 29 to require the President to make ''preparations to commence low-yield hydronuclear experiments,'' a policy that would substitute low-test for no test.

It was stated here that these have nothing to do with nuclear explosions, but they do. The title of them is hydronuclear—small amounts, very small amounts, but they are nuclear experiments. They are low-test nuclear experiments. That is the definition of them. That is the reason they are called hydronuclear experiments.

These experiments are basically an attempt to say that we will look at the hydro characteristics of a low-yield explosion— in other words, the wave patterns, the way the motion occurs internally, combine that with computer techniques that can tell us something about safety. That is true. But it could also be used by a nation that could develop sophisticated computer techniques to give them a lot of clues how to go ahead and do their own weapons development.

So the question comes down to, do we want a comprehensive test ban or does this undermine a comprehensive test ban?

In the dreams of its supporters, this action could well pave the way for nuclear test explosions with yields ranging from 4 pounds to several hundred tons of TNT equivalent—even within something called a Comprehensive Test Ban Treaty. And recall, 100 tons is 200,000 pounds equivalent of TNT—100 tons, 200,000 pounds of TNT.

By comparison, the blasts at Oklahoma City and the World Trade Center were equivalent to the explosive yield of between 1,000 and 2,000 pounds of TNT. The FBI has not released its official estimate figure yet, but it is in the ballpark because on August 3, 1995, the Bureau of Alcohol, Tobacco and Firearms informed my staff that their own explosives experts estimate the yield of the Oklahoma City bomb at about 2,100 pounds of TNT equivalent.

More explosive than these detonations, however, will be the punch that will come from angry members of the global nonproliferation regime if the United States and the other nuclear weapons States start to play games over their commitment not to engage in any further nuclear tests, which was a key item during deliberations over whether we were going to extend the NPT. Many of these countries have already sent a blizzard of demarches, aide-memoirs, nonpapers, and other such diplomatic missives to remind the United States and the other nuclear weapons States about that basic arms control and nonproliferation goal, perhaps best summarized in the preamble of the NPT itself of seeking to achieve the discontinuance of all test explosives of nuclear weapons for all time.

Any resumption by the United States of such tests, or even active preparations to resume such testing, would jeopardize this hard-won consensus on the permanent extension of the NPT.

Essentially, if we heed the nuclear testing policy dictated in this bill, we will only invite the following type of collective declaration by the nonnuclear weapons States: Halt all testing or we leave the treaty. I think some nations might well do that. If we are having trouble today affording a limited missile defense and curbing the proliferation of nuclear weapons within the NPT and ABM Treaties, just imagine how worse these conditions would be if these treaties collapsed. I do not think we can afford to take such a risk.

The testing policy dictated in this bill is all the more mystifying given that even veteran bomb designers do not believe that low-yield nuclear test explosions are vital to ensure either the safety or reliability of our nuclear stockpile.

Former Livermore Director Herbert York does not believe such tests are necessary. We have conflicting testimony here about the JASONs. And the JASONs, I might add, are an advisory group to the Department of Defense. They are academics and defense experts, think-tank experts. They are one of the most top-level scientific groups that advises the Department of Defense, so their expertise in this area is without question.

Now, the JASONs in the past have said they see some advantages to this type of testing but the disadvantages far outweigh the advantages in the dangers to nonproliferation, to the NPT, and so on—outweigh this—and that has been their view in the past. Another view was expressed on the floor this morning. We are asking for some clarification of that. And I hope we can get that before our debate here is concluded this morning.

In November 1994, just last fall, the JASONs specifically cited the effect of renewed underground nuclear testing upon U.S. nonproliferation goals as grounds for their conclusion that they oppose it. After considering NPT and considering the advantages, and some of which there were, they say, ''On balance, we oppose hydronuclear testing.''

That was last November. Even our nuclear weapon labs have come around

to the view that such testing is not necessary to maintain the nuclear arsenal.

Dr. Frank Von Hippel, until recently the Assistant Director for National Security in the White House Office of Science and Technology Policy, goes so far as to say that a resumption of nuclear testing—and this would be just low-level nuclear testing, hydronuclear testing

. . . would be seen as a fraud by virtually all of the 170 nonnuclear states that agreed this spring to an indefinite extension of the Nonproliferation Treaty after receiving a commitment that a Comprehensive Test Ban Treaty would be signed next year . . . Based on U.S. experience, the objective value of ''reliability'' tests is negligible in comparison with the costs of reneging on the deal with the nonweapons States, which promises that we will all work together against the spread and to reduce the numbers of these terrible devices.

That was published in the Los Angeles Times on July 26 of this year.

We have all sorts of definitions of ''comprehensive,'' I guess. I think comprehensive is pretty clear myself, but comprehensive to me means these lower-level tests also. So we need obviously a bit more predictability when we attempt to forge a national policy or craft a permanent international treaty. But we cannot go on unilaterally contriving new definitions of our international treaty commitments, a lesson that unfortunately has yet to be learned by supporters of provisions in the current bill addressing the ABM Treaty.

Mr. President, a basic nuclear fission explosion is caused when a chemical explosion forces a sudden release of energy from the nucleus of atoms, typically plutonium or highly enriched uranium. In testing a nuclear explosive device, there is no nuclear explosion if the total energy released from a detonation is equal to the yield from the detonation of just the chemical explosives in that test device. If, however, you get some energy release greater than the energy that is released from the chemical explosive, then you have a nuclear explosion. A device that produces such explosions is what we call a nuclear explosive device.

Under current nuclear proliferation sanctions legislation, our country imposes tough sanctions if nuclear nonweapons states detonate a device that produces a nuclear yield of only 1 pound, 1 pound of TNT equivalent.

The source for that is section 834 of the Nuclear Proliferation Prevention Act of 1994, Public Law 103–236. This was a standard used by the United States during a nuclear test moratorium between 1958 and 1961. It was used at that time to define what was called a hydronuclear experiment.

Section 3135 of the current bill makes available $50 million for, ''Preparation for the commencement of a program of hydronuclear experiments.'' Later on, in section 3165 of the bill, the bill makes it clear that this bill intends to include detonations with nuclear yields on the order of 20 tons of TNT to fall within the category of ''hydronuclear tests''—that is in the bill—although the series of tests during the old moratorium had nuclear yield of far less than a pound of TNT.

The bill is therefore not only an extreme diversion from historic U.S. practice but in establishing a 4-pound testing level, it adopts a standard that is four times higher than the standard we now apply to other countries in implementing our nuclear proliferation laws. I think it opens up a Pandora's box for arms control professionals and intelligence professionals who are responsible for verifying compliance with a comprehensive test ban. Verifying such a ban is difficult enough, but I think it is far easier to verify that there have been no nuclear explosions whatsoever, than it is to determine whether a given nuclear explosion at an unknown location had a yield of 1, 3, 4, 5 pounds, or whatever.

Moreover, our current 1-pound definition for sanctions, which is still the law, has nothing to do with restraints on nuclear testing. As I clearly stated on the floor in my remarks a couple years ago, on May 27, 1993, this definition:

. . . is not intended to foreclose any other definition that may be adopted in the course of the negotiation of any future international agreement limiting the testing of nuclear explosive devices, including a Comprehensive Test Ban Treaty.

I would today go further and say, no test ban treaty that deserves the word ''comprehensive'' in its title can allow nuclear explosions of any size, period. That is what comprehensive means, no nuclear explosions.

Explosive tests at even 1 pound and below can give a proliferant country some potential benefits, no doubt about that, especially in the areas of weapons safety, though there is no indication that any proliferant country has chosen that route to acquire the bomb. When you go to 4 pounds, then 40 pounds, then 400 pounds, and beyond, then you obviously run into more and more proliferation risks. We drew the line at 1 pound for sanctions purposes many years ago, not to legitimize tests below that level but simply to guarantee that no proliferant country could escape from the force of U.S. sanctions by undertaking exactly the type of so-called hydronuclear experiments described in the current bill.

In short, America should not be encouraging the world community to engage in low-yield nuclear testing. A comprehensive test ban must eliminate all nuclear explosions. As I said on this floor last March 16, it is essential that we proceed with several measures to strengthen controls against the global spread of nuclear weapons, including:

Negotiation at the earliest possible date of a verifiable—underline verifiable—permanent comprehensive ban on the testing of nuclear explosive devices, with emphasis on those words ''verifiable,'' ''permanent,'' ''comprehensive'' and ''ban.''

Mr. President, we in the past have seen Taiwan have a program for nuclear weapons. We were able to bring them around to turn that program off. South Korea had a similar program at one time. We turned that off. Iran is in the process, we believe, now of heading for nuclear weapons. We are trying to turn that off. Pakistan has already gone that route against our very serious objections. India went that route in 1974.

Are we now to come into this debate today and say that we are going to perform little bitty nuclear explosions, but you people cannot do the same things? It just does not make sense if what we are trying to go to is a comprehensive test ban.

The debate today is ironic given that we just do not need to perform hydronuclear experiments to maintain the reliability of our nuclear arsenal. In fact, our Government is now investing billions in special facilities that will enable our country to ensure the safety and reliability of the stockpile without nuclear explosive testing. And that includes hydronuclear testing. This is what is known as to the stockpile stewardship program.

Are there advantages to hydronuclear testing? Of course there are. I agree with that. But the dangers to the NPT and the worldwide spread of nuclear weapons as other countries see us testing and decide to do the same thing is far greater. The danger is far greater than any advantage we get out of the hydronuclear test.

If the hundreds upon hundreds of nuclear tests that we have undertaken over the last half century have still not given us a reliable arsenal, then this dubious record surely offers sufficient cause for us to question whether testing is truly as efficient a method for establishing a method of safety and liability as its proponents claim it is. The truth is, of course, that we already have a safe and reliable arsenal. And a good way to keep it that way without testing is to leave the designs alone.

Supporters of the nuclear testing section of the bill appear to want it both ways, twice. They want both to resume nuclear testing and fund big-ticket nonnuclear test facilities. They also want both to expand current nuclear and missile defense capabilities and to propagate the view that our potential adversaries will do nothing in response that will adversely affect our national security. I am opposed to such reasoning, and I am sure I am not alone in challenging these totally incompatible goals.

I applaud the leadership of my friend from Nebraska. Over the years he has fought for restraints on nuclear testing. I am proud to be included as a cosponsor of his amendment today. I hope our colleagues have been following the debate here on the floor today. And I hope we have an overwhelming vote in support of the Senator from Nebraska.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I yield 10 minutes to the able Senator from Arizona.

Mr. KYL. I thank the chairman for yielding me the time.

Mr. President, I rise in very strong opposition to the Exon amendment and in support of the committee's position.

Let us begin with a redefinition here of what we are talking about. What is a hydronuclear test? All that the committee has done is to provide $50 million to enable us to have the capability to conduct such tests, should the administration decide to go forward with that decision.

A hydronuclear experiment is one in which the conventional high explosive yield is greater than the nuclear yield.

So we are, by definition, talking about something that does not have a high nuclear yield. As a matter of fact, the kind of tests that have been contemplated in the past are tests with approximately 4 pounds—4 pounds—of material, between 1 and 4 pounds. All these experiments provide is an experimental calculation of the safety of the stockpile. That is what we are talking about here.

Now, what about the CTB, the comprehensive test ban? Would conducting such tests run afoul of the test ban? Well, we can quote no better authority than one of our colleagues here in the U.S. Senate who was here during the debate on the Hatfield amendment. And I refer to the Senator from Massachusetts, Senator KENNEDY, who suggested that such low-yield tests would be perfectly acceptable within the Comprehensive Test Ban Treaty. On September 18, 1992, Senator KENNEDY said:

> The first of these concerns—accidental detonation—can be resolved with safety tests with an explosive power equivalent to a few pounds or less of TNT. Such test need not be limited under a comprehensive test ban.

That is on page S13965 of the CONGRESSIONAL RECORD.

Now, the reason, of course, why, such tests should be allowed under the CTB is because they are not verifiable. As the Senator from Ohio pointed out, the CTB only works at levels where you can verify that the nations that are adhering to the treaty are, in fact, adhering to the treaty. These low yields are not verifiable. They are so small you cannot detect them. That is why they could not be included under a CTB. That is why this has nothing to do with the CTB. So let us get that off the table right now.

The next point is: Why test? Lawrence Livermore Laboratory estimates that:

> One-third of all of the weapon designs placed in the U.S. stockpile between 1958 and 1987 required and received post-deployment nuclear tests to resolve problems.

In other words, after we had put the warheads on top of the missiles, or put them in the bombs in the planes, one-third of all of those weapons required and received postdeployment tests to resolve problems that they had developed.

''In three-quarters of these cases the problems were identified as a result of nuclear testing.'' In each case the weapon was thought to be reliable and adequately tested when it entered the stockpile.

In other words, Mr. President, we test in order to find out whether they are still going to work, whether they will be reliable, and whether they will remain safe. These are the most complex weapons in our entire inventory, and yet they receive the least testing once they have been deployed. We shoot the guns. We fly the airplanes. We sail the ships. This is called readiness.

But some of our friends on the other side do not want to know whether the most complex weapons in our inventory are reliable, whether they will work, and whether they are safe. And how can they possibly constitute an effective deterrent if those against whom they might be used understand that they have not been tested maybe for 30 years? We are talking about weapons, warheads that will be in our inventory for 30 years or more, never having been tested. Lawrence Livermore notes that in three-fourths of the cases where testing was done, problems were identified as a result of that testing.

These weapons were thought to be reliable. Let me be very specific.

Of the 16 Lawrence Livermore developed warhead designs that entered the stockpile between 1958 and 1987, several were found to have problems. For six of these, the WXX, the W84, the W79, the W68, the W47, and the W45, the resolution of these problems involved nuclear tests.

Further, of the 25 Los Alamos weapon designs that were deployed between 1958 and 1987, one-third have required postdeployment nuclear testing. That is what we are talking about here.

Let us go to the element of safety, because, obviously, we want our weapons to be safe, and technology has improved, has enhanced our capability of making these weapons safe.

The 1990 Drell panel, which was constituted to consider this issue, concluded that ''there is still room for substantive improvement in nuclear weapons safety.''

One manner to improve the safety of the warheads is to replace warheads—the ones that have high explosives—to ones with insensitive high explosives, the so-called IHE. High explosives can be detonated in abnormal thermal pressure or shock environments.

That can be a danger in a crash situation or a fire situation.

As the Drell panel noted, ''In certain violent accidents, such as airplane fires or crashes, HE has a high probability of detonating, in contrast to IHE.'' The Drell panel concluded that:

> . . . replacing warheads with HE with new systems with IHE is a very effective way—perhaps the most important step—for improving safety of the weapons stockpile from scattering plutonium.

IHE was first introduced in 1979 in the stockpile. As of early 1990, only 25 percent of the stockpile was equipped with IHE. Incorporating IHE in the stockpile could require design changes and, thus, the requirement to retest the weapon to ensure its ability to accomplish its military requirement.

So, Mr. President, both for reliability reasons and for safety reasons, some limited testing is necessary.

There has been a lot of quotation here of the so-called—I should not say ''so-called''—of the experts on the subject, because experts will differ in their opinions and the JASONs are all experts and so are the directors of the laboratories.

I quoted the statistics from the Lawrence Livermore Laboratory and the Los Alamos Laboratory. One of my colleagues said the lab directors are against this. The lab directors are for it. Ask Sig Hecker, who is the director today of the Los Alamos Laboratory. Some of the quotations were for previous directors. This is the current director of Los Alamos, and he says we ought to have testing.

You can find whatever you want to in the JASON report, but what my colleague from Nevada is quoting from is the most recent report. It is the draft July 1995 report. That is the most recent report.

Of course, they point out the fact that there are some advantages and some disadvantages, but one of their conclusions is that experiments involving—actually let me read the first sentence, because it will support the position of the Senator from Nebraska. I do not want to quote selectively, I am going to quote the whole thing:

> Underground testing of nuclear weapons at any yield level below that required to initiate boosting is of limited value to the United States.

They are talking about these very low yield kind of tests.

But they go on:

> However, experiments involving high explosives and fissionable material that do not reach critical—

The ones we are talking about—

> are useful in improving our understanding of the behavior of weapons materials under relevant physical conditions. They should be included among treaty consistent activities.

That is the most recent JASON report. Obviously, they discussed all of the pros and cons, and there are pros and cons of this kind of testing.

Let me just conclude with two points, Mr. President. The Senator from Nebraska, in his opening remarks, talked about the wishy-washy advisers of the President. I think who he had in mind—he can correct me if I am wrong—is the Secretary of Defense William Perry, perhaps among others. If the Senator would like to correct me right now.

Mr. EXON. The Senator is wrong, but he has a right to be wrong.

Mr. KYL. Will the Senator tell me who he meant when he referred to the wishy-washy advisers to the President?

Mr. EXON. There are a whole group of wishy-washy advisers to the President. I talked about people inside the Pentagon. The Secretary of Defense supports my position. I hope you are not saying the Secretary of Defense supports your——

Mr. KYL. Yes, I am going to say that.

Mr. EXON. You are wrong. You have a right to be wrong.

Mr. KYL. Because the Secretary of Defense and the Defense Department in May of this year had suggested to the administration the desirability of these kinds of tests. When the issue went to the National Security Council and the highest counsels, including the President, the Defense Department recommendations were shelved, they were overruled.

As a result, we are not going to go forward with these tests, although the most recent Defense Department document in July of this year, which I can quote to you, does refer to the continuing open issue as to whether we should go forward.

But in any event, I find it interesting that this is the same Secretary of Defense who was so relied upon yesterday in the debate on missile defense and find it ironic that some people on the floor were suggesting that the reason we did not need missile defenses is because we could rely upon our triad, our nuclear triad. You cannot have it both ways. If you are not going to test reliability and safety of the triad, then you should be supporting missile defense. If you are not going to support missile defense, then you ought to be supporting the effectiveness of our nuclear triad.

Mr. President, I want to conclude at this point. The whole phrase, the whole concept of stockpile stewardship implies a responsibility. That is what stewardship means. And these are the most complex weapons in our inventory. As I said, we test guns and planes and ships regularly. It is called readiness. I cannot believe that we are arguing here about a 1-to-4 pound test that does not reach criticality, where, by definition, the conventional yield is greater than the nuclear yield, and it seems to me, therefore——

The PRESIDING OFFICER (Mr. INHOFE). The Senator's time has expired.

Mr. KYL. The Senate ought to support the committee position and reject the position of the Senator from Nebraska.

Mr. THURMOND. I yield 3 more minutes to the able Senator.

Mr. KYL. I thank the chairman for yielding. I will take 30 seconds of that time.

Let me say this. We all wish the nuclear genie had not been let out of the bottle, but it was. I noted with interest, Senator HATFIELD, Senator EXON, and others commented about their experience in World War II and glad that President Truman made the decision he did, which probably brought that horrible war to a conclusion much faster than it would have been, and thank God the weapon he chose to use worked.

All we are saying is, in the future, 30 years from now we better know that the weapons we rely on in our stockpile will work. To do that, we need to be prepared to conduct the very limited tests, and that is going to require the limited money included in the bill for this purpose. That is why we need to reject the Exon amendment.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. THURMOND. I yield 12 minutes to the able Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair, and I thank the distinguished chairman of the Senate Armed Services Committee.

Mr. President, I rise in strong opposition to the amendment offered by my good friend, the senior Senator from Nebraska. During the course of the debate this morning, references have been made to the 50th anniversary of the end of World War II and the use of nuclear weapons at Hiroshima and later Nagasaki. Let me say, I think those references have absolutely nothing to do with what we are talking about today.

We are not debating whether we should resume underground testing, as it has been historically known at the Nevada test site. That is not the issue before us today. We are not debating about the prospect of developing new nuclear weapons. The issue, I think, that was framed so artfully by the distinguished junior Senator from Arizona, the question today is the safety and reliability of the nuclear arsenal.

No scenario that I am familiar with contemplates a future in terms of our armed service deterrent that does not include our nuclear arsenal. So safety and reliability is essential and critical.

As a member of the Armed Services Committee, I have joined my colleagues on a number of occasions questioning the Department of Energy and the Department of Defense officials regarding our plans to maintain the safety and reliability of our nuclear weapons stockpile in the absence of nuclear testing.

In hearing after hearing, the answer came back that we simply do not know. Mr. President, no one in this body can state with categorical certainty that our nuclear weapons arsenal has suddenly become safe and reliable for the foreseeable future, and that there is no need to continue to ascertain the safety and reliability of that nuclear stockpile.

Nuclear weapons, by their very nature, are extraordinarily complex systems. We simply do not understand the effects of aging on many components that make up each nuclear device. Those who designed the nuclear weapons planned for our enduring stockpile did not contemplate the maintenance of these systems past their designed life. Our national labs, which are ultimately responsible for certifying the safety and effectiveness of our nuclear weapons systems, have initiated a science-based stockpile stewardship program, which aims to give us the information we need to know about the nuclear stockpile without nuclear testing.

Many of my colleagues are familiar with these new strategies, including the National Ignition Facility, the ATLAS, the DAHRT, and many others. Once these facilities are up and running, the labs anticipate the ability to obtain much of the data previously gathered through nuclear testing without performing nuclear tests. But science-based stockpile stewardship has never been considered as a complete substitute for all types of nuclear tests or experiments for a number of reasons.

Even when the science-based stockpile stewardship program is fully implemented, there will still be gaps in the type of knowledge our labs need to gather. It is a common misperception that the new simulator technology, anticipated to become available soon, will, in effect, simply simulate nuclear tests and allow us to gather all of the same data that a nuclear test may provide. Mr. President, nothing could be further from the truth. Each of the components of the science-based stockpile management program will provide some of the data, which are issues of concern, such as certifying the safety and effectiveness of our weapons system. None will provide all the data, and even the combination of all of the new technologies currently being considered will not eliminate the need for certain types of actual testing with nuclear materials.

Given the high level of uncertainty that remains regarding science-based stockpile stewardship, the Senate Armed Services Committee has taken a very reasonable and responsible approach in the legislation currently before the Senate. The committee directs preparations to conduct nuclear testing should this type of testing become necessary. The bill does not direct hydronuclear testing, and hydronuclear tests would still have to be approved by the President of the United States under current law.

It is, in my judgment, reckless for our Nation to hold thousands of the most powerful and dangerous weapons known to mankind and not have the knowledge or understanding of how to maintain them.

Another concern regarding this amendment is its affect on the Nevada test site and the unique capabilities this complex brings to the U.S. national security effort. The DOE stated its intention to allow the readiness of the Nevada test site to slip from 6 months up to 3 years. The Nevada testing facility is a unique resource, and

the Nation's investment in it must be protected. Personnel at the Nevada test site are a small community of highly specialized workers with expertise found nowhere else in the world. This capability is irreplaceable and must not be risked. The combination of an aging stockpile and the decaying nuclear weapons expertise at the Nevada test site and at the labs pose a direct threat to the safety and reliability of our stockpile.

It is important to note that hydronuclear testing would not lead the United States on a path to violate the Comprehensive Test Ban Treaty, as has been suggested by some of our colleagues.

While negotiation positions are generally regarded as classified, it has been reported in the media that the United States favors a limit under the CTB of hydronuclear tests with less than 4 pounds of nuclear yield. Other nations apparently want a much higher yield.

It has been reported in the press that Great Britain wants up to 100 pounds, Russia wants tests up to 10 tons, and France wants tests allowed up to 100 to 200 tons.

At this point, there is simply no way to predict how the final CTB may be negotiated. Even with the hydronuclear testing program, the United States can remain in full compliance with all current international agreements and the likely future provisions of any CTB.

In fact, the Armed Services Committee report language specifies ''treaty complaint'' hydronuclear tests.

We must remember that even if START II is ratified, the United States will continue to maintain a stockpile of thousands of nuclear weapons.

The reliability of these weapons forms the basis of their existence as a strategic deterrence. As our stockpile of nuclear weapons is reduced, the reliability of each nuclear weapon becomes even more critical to an effective deterrence.

It is possible that only through hydronuclear testing at the Nevada test site can we have adequate assurance that our nuclear weapons will function as expected if a time should ever be needed to use them in a crisis.

Almost one-half of the nuclear weapons systems developed since 1970 have needed nuclear testing to correct or evaluate defects. Clearly, this amendment could seriously hamper our confidence in our nuclear weapons stockpile.

Mr. President, I am afraid this amendment may, in some part, be motivated by a misunderstanding of what the committee hoped to accomplish by adding funding to the stockpile stewardship account for hydronuclear testing.

While the terminology may be confusing, the committee does not envision a resumption of the type of nuclear tests that we have become familiar with over the years. These are not full-scale tests of nuclear weapons, nor are they intended to test for new weapon designs.

Very small hydronuclear tests may, for example, test whether dropping a weapon would result in a nuclear detonation—a test that, I suggest, should hardly raise nonproliferation concerns.

Such tests are not designed to improve our ability to use nuclear weapons against any future enemy. They are designed to protect those in the Armed Forces or the general public who may be put at risk by an unsafe or deteriorated weapon.

Other experiments, slightly larger, but still nowhere near the level of a full-scale test, and still completely consistent with our treaty obligations, could test the so-called ''boost'' provided by the tritium components of a weapon.

Some have argued that such tests are largely irrelevant; the claim is made that it makes little difference if the yield of the nuclear weapon deteriorates only slightly over the period of time. The answer to that, Mr. President, is that we simply have no assurance, however, that an old weapon will experience only a slight reduction in yield.

While everyone hopes and assumes that we will never use a nuclear weapon again, it is simply unconscionable not to provide our military planners the confidence they need in the anticipated yields of our nuclear weapon systems.

Again, I urge my colleagues to vote against the amendment offered by the senior Senator from Nebraska.

I yield the floor and the remainder of my time to the able chairman of the Senate Armed Services Committee.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield Senator KEMPTHORNE 10 minutes.

Mr. KEMPTHORNE. Mr. President, I thank the chairman of the Armed Services Committee. With regard to this debate, there is a reality, and the reality is that we have a nuclear arsenal. It exists. Now, perhaps through START Treaties we are going to see a reduction of the nuclear warheads. I think we all want to see that continue. But the reality is, we have a nuclear arsenal. And the reality is, Mr. President, it is the oldest stockpile in our history. Yet, we want to make sure that we maintain the safety and the reliability of that stockpile.

Talk about scenarios of disaster, what happens if you have an unreliable situation occur with a nuclear stockpile? Right now, we have a high level of confidence. As we continue each year, the confidence level goes down.

It is analogous to having an automobile that is working well today; does that mean we should then shut down all garages and diagnostic centers? No, because the automobile is a machine, and it will need to have monitoring and repair, just as this machine that we have of the nuclear arsenal will need.

These hydronuclear tests with a yield of about 4 pounds—and I agree with the Senator from Nevada, I support, if there is need for clarification, that it is not more than 4 pounds— these 4-pound tests should more accurately be called experiments. These are safety experiments. These experiments give detailed data about how a weapon is aging. This data is then used to draw decisions about the safety and reliability of the weapon.

These experiments are compatible with the ongoing negotiations for a comprehensive test ban. Indeed, during a recent discussion with the DOD Under Secretary Curtis, he pointed out that hydronuclear experiments will be compatible with a comprehensive test ban.

Moreover, during the previous moratorium, an underground test from 1958 to 1961, the United States conducted hydronuclear tests at the Los Alamos National Laboratory. In testimony this year, Dick Reis, the Department of Energy official in charge of defense programs, acknowledged that there is no guarantee that the proposed Science-Based Stockpile Stewardship Program will work.

What does that mean—the Science-Based Stockpile Stewardship Program? This is a program that has to come up with computer modeling, physics machines, to understand the aging of weapons. It will take about 10 years to put this science-based stockpile reliability program in place. And then perhaps another 10 years to determine its accuracy. Ten years before we will have it in place, and another 10 years to determine its accuracy. That is a total of 20 years, Mr. President.

The design life of our nuclear stockpile is 20 years, roughly. Unfortunately, that clock is not just starting.

As I said, we have the oldest stockpile in our history. So in 4 years, 5 years, when we hit the year 2000, many of the elements to that arsenal will have reached their design life capacity.

That does not mean they will no longer be of value to us, but again the confidence level goes down.

Dick Reis informed the Armed Services Committee on May 16, ''The history of the stockpile has shown that the continuous surveillance, repair and replacement of components and subsystems is commonplace.''

We are spending billions of dollars on Trident submarines, on D–5 missiles, upgrades to the Minuteman missile, but without a safe and reliable nuclear stockpile, all of this investment could be for naught.

The bill now on the floor authorizes almost $200 million to maintain the Nevada test site in a state of readiness. The current administration policy says we must be able to conduct an underground test at the test site within 3 years of a decision to test. The investment to maintain the test site requested by the President allows us to leverage that investment and conduct these experiments at minimum cost.

On May 16, the Director of the Los Alamos Laboratory, Dr. Hecker, testified before the Armed Services Committee. As part of his written testimony, Dr. Hecker provided the committee with a document entitled ''Nuclear Weapons Stewardship: Los Alamos National Laboratory.''

Page 18 of this document states:

Hydronuclear experiments include some fissile material but no nuclear explosion. Only small amounts of energy are released. They are used to assess primary performance and safety. These experiments are important for two reasons: They can be used, (1) to directly address the nuclear detonation safety of the stockpile weapon; and, (2) to provide important benchmark performance measures. Our plan is to gather baseline, hydrodynamic and hydronuclear data on all stockpiled weapons systems.

In other words, hydronuclear tests are an important component of the new Science-Based Stockpile Stewardship Program.

Mr. President, will we continue to oppose hydronuclear experiments after a comprehensive test ban treaty is signed? In other words, are we going to exclude these experiments from all future stockpile stewardship activities?

I do not believe that is the position of the Clinton administration. I do not believe it is the position of the Armed Services Committee. Given the uncertainties in the Science-Based Stockpile Stewardship Program and the time lag before this program provides meaningful data, the Armed Services Committee took what it believes to be the prudent step of providing funds to prepare for hydronuclear experiments that are compatible with the comprehensive test ban treaty, to stem the inevitable decline in the confidence of our nuclear stockpile.

There has been a great deal of reference as to what is the amount that we are going to be testing—400 pounds, 4,000 pounds, 40,000 pounds. Again, it is 4 pounds. I will reference in the bill itself, page 383, section 3165, Report on Hydronuclear Testing:

The committee directs that the Secretary of Energy is to move forward with the ''preparation of a comprehensive report'' by the directors of the two nuclear weapons design laboratories on the relative costs and benefits of alternative limits on the permitted levels of hydronuclear testing to include 4 pounds, 400 pounds, 4,000 pounds, 40,000 pounds of yield.

But it is a report. It is a report on the cost and benefit analysis.

Then it goes on to say:

The committee requests the preparation of a single report with additional and/or dissenting views by each director as they deem appropriate. The report should be delivered to the congressional defense committees, the Secretaries of Defense and Energy and the Commander in Chief of the U.S. Strategic Command for their comments.

That is what is in here. Again, Mr. President, in summary, we have nuclear stockpile. It is the oldest in our history. We better ensure the safety and the stability of that stockpile. The way they are proposing they will do that is to now come up with a computer model program that is 10 years away from now.

We are simply saying that one component that will help us is the hydronuclear experiments of not more than 4 pounds. If that is not a very realistic and responsible approach, I do not know what is.

I yield the balance of my time back to the chairman of the Armed Services Committee.

Mr. THURMOND. I yield 7 minutes to the able Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from South Carolina.

Mr. President, I rise to speak about the importance of maintaining a safe and reliable U.S. nuclear deterrent, and in opposition to the amendment offered by my friend, the senior Senator from Nebraska.

Mr. President, the issue is not testing of new weapons. It is assuring a credible U.S. nuclear deterrent. If the United States is to maintain a nuclear weapons capability, we must be able to assure the safety and reliability of our existing stockpile.

Unless we have the capability to continue experiments and testing, we cannot ensure either. We must continue to make needed investments in nuclear weapons stockpile maintenance.

Nothing in the bill that is pending before us will violate any treaty or obligation, nor will it violate self-imposed moratorium on nuclear testing. Hydronuclear testing will not violate any existing U.S. treaty commitments, nor would it violate the Comprehensive Nuclear Test Ban Treaty that we are trying to negotiate. But such testing does provides the essential margin of safety we need—short of the resumption of full-scale nuclear testing. I would add that the President has reserved the right to resume testing, if deemed to be vital to our national security interests and maintenance of our nuclear deterrent.

The amendment that has been proposed will nullify our ability to assure to stockpile safety and reliability. We will not get to the goal of a comprehensive nuclear test ban treaty if we unilaterally preclude ourselves from conducting essential stockpile maintenance and relaiblity activities, including hydronuclear testing.

One critical component of U.S. nuclear stockpile management is the Pantex Nuclear Weapons Plant, a Department of Energy [DOE] facility located in Amarillo, TX. The Pantex plant, along with Savannah River, Y–12 and the Kansas City plant, is one of the few remaining production sites with existing infrastructure and capabilities that, if upgraded in place, can cost-effectively and meet the needs of nuclear weapons stockpile management and missile material disposition requirements identified in the Defense Department's Nuclear Posture Review.

However, Mr. President, I remain very concerned that the Department of Energy's published 5-year budget plan calls for cuts in weapons activities of up to 40 percent in fiscal year 1997 and beyond. The DOE portion of the Defense authorization bill should be used for its intended purpose—to meet the nuclear deterrent capability our national security needs require.

Our nuclear weapons complex is undergoing a crucial reconfiguration. I am concerned that decisions could be made which would both compromise the integrity of our nuclear deterrent and needlessly waste billions of dollars of taxpayer money. The current and future existence and full utilization of our production sites, working with the national labs, is critical to maintaining an effective and efficient nuclear deterrent.

Pantex, as the sole site in the United States for assembly, disassembly, and maintenance of nuclear warheads, as well as the primary site for interim storage of plutonium components removed from these weapons, is key to a cost-effective, competent nuclear deterrent in a scaled-back complex. Some proposals in DOE would suggest that Pantex and the other production sites be phased out, with the Nevada test site becoming the sole production site for the complex.

This course, however, would not only deprive our country of the ability to remanufacture and deal with significant weapons production if the need ever arose, but would also result in the needless recreation of a multibillion-dollar infrastructure at Nevada which already exists at the existing production sites. By retaining and upgrading Pantex as the primary stockpile stewardship and management facility, we would also realize other cost savings, in the form of avoided transport cost and duplicative environmental, security, and safety expenditures.

We must ensure an orderly and safe transition to civilian stewardship of nuclear materials decommissioned from military use. I believe that one of the most critical national security issues facing our country today is the safe, environmentally sound, and secure storage and disposition of these materials. An example of this transition would be purification and fabrication of weapons components. Such capacity could complement a reactor for the dedicated source of tritium production, by fabricating mixed oxide fuel from plutonium components for disposition in such a reactor.

One key element to implementation of this transition for the entire complex is the National Resource Center for Plutonium, which is operated by a consortium of Texas universities. The center was funded at $9 million in fiscal year 1995, and the administration and the House-passed version of the Defense authorization bill recommended authority for $10 million in fiscal year 1996, with recommendations for continuing support in fiscal year 1997. This center enjoys a symbiotic relationship with the national labs, in its work with

fissile material disposition supplements.

I would like to personally thank Chairman THURMOND and Senators LOTT and KEMPTHORNE for the outstanding work done by the Senate Armed Services Committee in bringing needed attention to nuclear stockpile management and the maintenance of our nuclear deterrent capabilities, which addresses, head-on, the concerns raised in the Defense Department's Nuclear Posture Review.

Mr. President, the position outlined in the Senate Armed Services Committee Defense authorization bill provides the Department of Energy with clear guidance to maintain and enhance our nuclear deterrent capabilities. At the same time, the bill provides direction to DOE to make the necessary decisions to clean up nuclear waste sites; to address the issue of plutonium and highly enriched uranium disposition; to consider new reactor options for disposition of fissile materials and the disposition of fissile materials—plutonium—through fabrication of mox fuel and the burning up of mox fuel in a reactor; and finally to make a rational choice, in the very near term, for a dedicated source of tritium production.

Mr. President, nuclear weapons stockpile management is a critical element in putting us on the right course to meet our critical national security requirements and this legislation sets us on the right course and gives needed direction and support to the Department of Energy. I am proud to be part of and supportive of the efforts of the Senate Armed Services Committee to address in a meaningful and realistic manner our Nation's critical national security and defense needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I will yield myself 3 minutes.

First, I would like to introduce letters from the Secretary of Defense and the Secretary of Energy, since their names have been mentioned, in full support of the Hatfield-Exon amendment.

I would simply also advise the Senate that, following the references made by some Senators with regard to the new JASON report, the Secretary of Energy initiated a call to me. She was very upset about the slant that was being placed on this. She has furnished me a full copy of the JASON report of August 3. I submit that at this time to be made part of the RECORD.

I ask unanimous consent the letters and the report be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, July 31, 1995.

Hon. JAMES EXON,
U.S. Senate,
Washington, DC.

DEAR SENATOR EXON: Thank you for sending me a copy of your June 20 letter to President Clinton providing your views on the nuclear testing moratorium and the Comprehensive Test Ban (CTB) Treaty. I want to assure you that U.S. policy on the nuclear testing moratorium has not changed, and there are no plans to change it. Based on the assumption that a treaty will be signed before September 30, 1996, and subject to the same understandings that govern our current moratorium, the President extended the moratorium until the CTB enters into force. As you may know, the President has stated that he considers the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States. We are currently reviewing how best to ensure that this mandate can be carried out, both now and in the future. Your letter provides an important perspective for our deliberations.

Sincerely,

WILLIAM J. PERRY.

THE SECRETARY OF ENERGY,
Washington, DC, August 3, 1995.

Hon. JAMES EXON,
Ranking Minority Member, Subcommittee on Strategic Forces, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR EXON: As the Senate considers provisions relating to hydronuclear experiments in S. 1026, the ''National Defense Authorization Act for Fiscal Year 1996,'' as reported by the Senate Armed Services Committee, I wanted to reiterate that the President's Fiscal Year 1996 budget request included no funds to conduct hydronuclear experiments. The Administration stands behind its budget request.

Sincerely,

HAZEL R. O'LEARY.

NUCLEAR TESTING

(Prepared by JASON, the MITRE Corp; Sidney Drell, Chair, John Cornwall, Freeman Dyson, Douglas Eardley, Richard Garwin, David Hammer, John Kammerdiener, Robert LeLevier, Robert Peurifoy, John Richter, Marshall Rosenbluth, Seymour Sack, Jeremiah Sullivan, and Fredrik Zachariason; Aug. 3, 1995)

1 (U) SUMMARY AND CONCLUSIONS

(U) We have examined the experimental and analytic bases for understanding the performance of each of the weapon types that are currently planned to remain in the U.S. enduring nuclear stockpile. We have also examined whether continued underground tests at various nuclear yield thresholds would add significantly to our confidence in this stockpile in the years ahead.

(U) Our starting point for this examination was a detailed review of past experience in developing and testing modern nuclear weapons, their certification and recertification processes, their performance margins,[1] and evidence of aging or other trends over time for each weapon type in the enduring stockpile.

CONCLUSION 1

(U) The United States can, today, have high confidence in the safety, reliability, and performance margins of the nuclear weapons that are designated to remain in the enduring stockpile. This confidence is based on understanding gained from 50 years of experience and analysis of more than 1000 nuclear tests, including the results of approximately 150 nuclear tests of modern weapon types in the past 20 years.

(U) Looking to future prospects of achieving a Comprehensive Test Ban Treaty (CTBT), a stated goal of the United States Government, we have studied a range of activities that could be of importance to extending our present confidence in the stockpile into the future. We include among these activities underground experiments producing sub-kiloton levels of nuclear yield that might be permitted among the treaty-consistent activities under a CTBT.

(U) Three key assumptions underlie our study:

1. (U) The U.S. intends to maintain a credible nuclear deterrent.

2. (U) The U.S. remains committed to the support of world-wide nonproliferation efforts.

3. (U) The U.S. will not encounter new military or political circumstances in the future that cause it to abandon the current policy—first announced by President Bush in 1992—of not developing any new nuclear weapon designs.

CONCLUSION 2:

(U) In order to maintain high confidence in the safety, reliability, and performance of the individual types of weapons in the enduring stockpile for several decades under a CTBT, whether or not sub-kiloton tests are permitted, the United States must provide continuing and steady support for a focused, multifaceted program to increase understanding of the enduring stockpile; to detect, anticipate and evaluate potential aging problems; and to plan for refurbishment and remanufacture, as required. In addition the U.S. must maintain a significant industrial infrastructure in the nuclear program to do the required replenishing, refurbishing, or remanufacturing of age-affected components, and to evaluate the resulting product; for example, the high explosive, the boost gas system, the tritium loading, etc. Important activities in a stockpile stewardship program that will sustain a strong scientific and technical base, including an experienced cadre of capable scientists and engineers, are described in the body of this study.

(U) The proposed program will generate a large body of technically valuable new data and challenging opportunities capable of attracting and retaining experienced nuclear weapons scientists and engineers in the program. This is the intent of DOE's currently planned stockpile stewardship program.[2] For the success of this program, the management of the three weapons laboratories (LANL, LLNL, SNL) must motivate, support, and reward effort in an area that has lost some of its glamor and excitement in the absence of new nuclear design and test opportunities.

(U) Nevertheless, over the longer term, we may face concerns about whether accumulated changes in age-affected weapons components, whose replacements might have to be manufactured by changed processes, could lead to inadequate performance margins and reduced confidence in the stockpile.

(U) Enhancements of performance margins will add substantially to long-term stockpile confidence with or without underground tests. To cite one example, we can adjust the boost gas fill or shorten the time interval between fills. (This is discussed more fully in the classified text.)

CONCLUSION 3:

(U) The individual weapon types in the enduring stockpile have a range of performance margins, all of which we judge to be adequate at this time. In each case we have identified opportunities for further enhancing their performance margins by means that are straightforward and can be incorporated with deliberate speed during scheduled maintenance or remanufacturing activities. However greatest care in the form of self-discipline will be required to avoid system modifications, even if aimed at ''improvements'', which may compromise reliability.

[1] Footnotes at end of article.

(U) This brings us to the issue of the usefulness, importance, or necessity of reduced-yield (less than 1 kiloton) underground tests for maintaining confidence in the weapon types in the U.S. stockpile over a long period of time.

(U) For the U.S. stockpile, testing under a 500 ton yield limit would allow studies of boost gas ignition and initial burn, which is a critical step in achieving full primary design yield. The primary argument that we heard in support of the importance of such testing by the U.S. is the following: the evidence in several cases and theoretical analyses indicate that results of a sub-kiloton (~ 500 tons) test of a given primary that achieves boost gas ignition and initial burn can be extrapolated to give some confidence in the yield of an identical primary with full boosting. Therefore, if a modified or remanufactured primary is introduced into the stockpile in the future to correct some aging problem, such tests on the modified system would add to confidence that the performance of the new primary is still adequate.

(U) It follows from this argument that the utility to the U.S. of testing at yields of up to approximately 500 tons depends on such tests being performed on a continuing basis and yielding reproducible results. If they are permitted only for a few years, such tests could add to the theoretical understanding of the boosting process and the reliability of the computer-codes that attempt to describe it, but would not contribute directly to the reliability of the weapon in the enduring stockpile in view of the possible manufacturing changes made at a later date. To gain evidence as to whether long-term changes in age-affected weapons components have any impact on boost-performance the tests would have to be made with the remanufactured weapons themselves.

CONCLUSION 4:

(U) In order to contribute to long term confidence in the U.S. stockpile, testing of nuclear weapons under a 500 ton yield limit would have to be done on a continuing basis, which is tantamount to remaking a CTBT into a threshold test ban treaty. While such ongoing testing can add to long term stockpile confidence, it does not have the same priority as the essential stockpile stewardship program endorsed in Conclusion 2, nor does it merit the same priority as the measures to enhance performance margins in Conclusion 3. In the last analysis the technical contribution of such a testing program must be weighed against its costs and its political impact on the non-proliferation goals of the United States.

CONCLUSION 5:

(U) Underground testing of nuclear weapons at any yield level below that required to initiate boosting is of limited value to the United States. However experiments involving high explosives and fissionable material that do not reach criticality are useful in improving our understanding of the behavior of weapons materials under relevant physical conditions. They should be included among treaty consistent activities that are discussed more fully in the text.

(U) This conclusion is based on the following two observations.

(U) [(a)] So-called hydronuclear tests, defined a limited to a nuclear yield of less than 4 lbs TNT equivalent, can be preformed only after making changes that drastically alter the primary implosion. A persuasive case has not been made for the utility of hydronuclear tests for detecting small changes in the performance margins for current U.S. weapons. At best, such tests could confirm the safety of a device against producing detectable nuclear yield if its high explosive is detonated accidentally at one point. We find that the U.S. arsenal has neither a present nor anticipated need for such re-confirmation. The existing large nuclear test data base can serve to validate two- and three-dimensional computational techniques for evaluating any new one-point safety scenarios, and it should be fully exploited for this purpose.

(U) [(b)] Testing with nominal yields up to a 100-ton limit permits examination of aspects of the pre-boost fission process. However, this is at best a partial and possibly misleading performance indicator.

(U) An agreement to limit testing to very low yields raises the issue of monitoring compliance. We have not made a detailed study of this issue, but not the following: Cooperative, on-site monitoring would be necessary, and relevant measurements, including for example neutron yields, could be made without compromising classified information on bomb designs.

(U) We have reviewed the device problems which occurred in the past and which either relied on, or required, nuclear yield tests to resolve.

CONCLUSION 6:

(U) For the weapon types planned to remain in the enduring stockpile we find that the device problems which occurred in the past, and which either relied on, or required, nuclear yield tests to resolve, were primarily the result of incomplete or inadequate design activities. In part, these were due to the more limited knowledge and computational capabilities of a decade, or more, ago. We are persuaded that those problems have been corrected and that the weapon types in the enduring stockpile are safe and reliable in the context of explicit military requirements.

(U) Should the U.S., in future, encounter problems in an existing stockpile design (which we do not anticipate at present) that are so serious as to lead to unacceptable loss of confidence in the safety, effectiveness, or reliability of a weapons type, it is possible that testing of the primary at full yield, and ignition of the secondary, would be required to certify a specified fix. Useful tests to address such problems generate nuclear yields in excess of approximately 10 kT. DOE's currently planned enhanced surveillance and maintenance program is intended to alert us to any such need that may arise. A ''supreme national interest'' withdrawal clause that is standard in any treaty to which this nation is a signatory would permit the U.S. to respond appropriately should such a need arise.

CONCLUSION 7:

(U) The above findings, as summarized in Conclusions 1 through 6, are consistent with U.S. agreement to enter into a Comprehensive Test Ban Treaty (CTBT) of unending duration, that includes a standard ''supreme national interest'' clause. Recognizing that the challenge of maintaining an effective nuclear stockpile for an indefinite period without benefit of underground tests is an important and also a new one, the U.S. should affirm its readiness to invoke the supreme national interest clause should the need arise as a result of unanticipated technical problems in the enduring stockpile.

FOOTNOTES

[1] Defined as the difference between the minimum expected and the minimum needed yields of the primary.

[2] See the 1994 JASON Report JSR–94–345 on ''Science Based Stockpile Stewardship''.

Mr. EXON. I just want to summarize what the situation is with regard to this report. Senator REID, Senator KYL, and probably others have confused the just-completed JASON report. But they did not reveal the full story. They are simply wrong, and they are comparing oranges with lemons. The entire quotation in the JASON report just put out, on hydronuclear testing, is as follows:

> A persuasive case has not been made for the utility of hydronuclear tests for detecting small changes in the performance margin for current U.S. weapons.

So the newest JASON report does not endorse nuclear tests. Also, the particular quotation used by the Senator lacks accuracy. When they quote the JASON report as saying, ''However, experiments involving high explosives and fissionable material that do not reach criticality are useful in improving our understanding of * * * weapons materials,'' the Senator fails to mention the most important point, that the experiments that do not reach criticality are not hydronuclear tests. They are not hydronuclear tests.

I simply point out that the portion of the report that the Senator quotes deals with experiments that are not hydronuclear in any way. Again, the JASON report is very clear. I quote from it.

> A persuasive case has not been made for the utility of hydronuclear tests . . .

I hope this begins to set the record straight. I yield 5 minutes to my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank the Senator from Nebraska for yielding but also, most important, for the legislative initiatives which he and Senator HATFIELD and others have taken over the years to try to stop the proliferation of nuclear weapons through a comprehensive ban on nuclear testing. And they are related. And that is the whole issue.

We recently were able to obtain the continuation of the Nuclear Nonproliferation Treaty. We fought really hard for that and we got other nations to go along with it. We did so based on our commitment to a comprehensive test ban treaty. We are in no position to tell other nations that they cannot have nuclear weapons, even though we do, if we are going to ignore our commitments to them to obtain a comprehensive test ban—emphasis on the word ''comprehensive''—when that commitment to them and that representation to them was part and parcel of our getting a nonproliferation treaty. That is the issue. It is the proliferation of nuclear weapons.

That is why the statement that was made by the DOD and DOE scientific advisory group—called JASON—relative to hydronuclear tests, is so important. I am going to read that again because this, to me, is really the heart of the issue. We are talking about hydronuclear tests. This is what they said just last November:

> The very limited added value of hydronuclear tests have to be weighed against costs and against the impact of continuing an underground testing program at the Nevada test site on U.S. nonproliferation goals.

That is what they say. This is the JASON group which has been referred to so many times this morning. These are the scientists that advise the DOE and DOD, and this is the weighing process, the limited added value, of which there is some. Everyone concedes that tests have value. The question is, Do the benefits outweigh the costs? We have done a lot of that in regulatory reform lately talking about cost-benefit analysis.

So what our DOD and DOE scientists did last November was weigh the benefits, the limited added value of hydronuclear tests against the costs. That is, in their words, the impact of continuing that program, an underground testing program at the Nevada test site on U.S. nonproliferation goals.

What is their conclusion? Now I am quoting JASON:

On balance, we oppose hydronuclear testing.

Why? These are their words:

Since hydronuclear tests would be potentially more valuable to proliferants, it would be in our national interest to forego them.

That, for me, is the bottom line. We have spent a lot of time here trying to figure out how we can defend against nuclear weapons, either in the theater system, short-range missiles delivering them, or in long-range missiles delivering them.

This body I think is darned near unanimous on how we are going to try to defend against theater missiles. We are very much divided as to the best way to defend against the long-range missiles. But proliferation is the greatest threat in the future to this country—proliferation of nuclear weapons.

Our best scientists say hydronuclear tests are potentially more valuable to proliferants—the bad guys—than they are to us and, therefore, it would be in our national interest to forego them.

What the current JASON report says in this is the one that was quoted by our good friend from Nevada. He quoted the section that relates to tests which have no nuclear yield, tests which do not reach criticality. That is not the issue before us. Those are hydrodynamic tests. Those are not hydronuclear tests. Those have zero nuclear yield. There is no criticality. And he read a section of the report that was just released last night which said, ''Experiments involving high explosives and fissionable material that do not reach criticality are useful in improving our understanding in behavior of weapons.''

That is true. But there is no downside on that. That is not a nuclear test. That is not a nuclear experiment. That does not reach criticality. There is no nuclear yield.

The next page of this same most recent report is the one that Senator EXON has just quoted from reasserting the conclusion of the JASON group against hydronuclear testing.

I thank the Chair. I thank my friend from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

Mr. EXON. I yield 1 minute to the Senator from Massachusetts, and following that, 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I support the Exon amendment to delete the section on nuclear testing. For the second time in 2 days we are addressing provisions of the committee bill that go against the tide of history, and would send us back to the days of the cold war and the nuclear arms policies of that period.

In April, the United States reached a new milestone with the permanent extension of the Nuclear Non-Proliferation Treaty. This treaty, first signed in 1968, is a solemn agreement by 178 nations to halt the spread of nuclear weapons.

Achieving this goal was not a foregone conclusion when the treaty extension conference commenced. The five nuclear weapons states agreed to work in good faith for a comprehensive test ban in 1996. It was understood by all the nations at the conference that a test ban will be the single most important step we can take to ensure that the non-proliferation treaty will be observed and maintained.

The bill and the Thurmond amendment calling for the administration to prepare for nuclear tests runs directly contrary to the principle we accepted at the non-proliferation conference. Some argue that test in question—called a hydronuclear test—is not a real nuclear test. That is not true in terms of physics, and it is not true in terms of public policy.

In physics, a hydronuclear test is a very low yield explosion, but it is a nuclear explosion nonetheless. Moreover, it is a type of explosion that the United States does not need to maintain the safety and reliability of our nuclear arsenal. This view has been stated and reaffirmed by Energy Secretary Hazel O'Leary, and by many technical experts, including the JASON panel. We can use alternative methods, such as advanced simulations and other nonnuclear technical means, to ensure the safety and reliability of our stockpile.

In terms of public policy, a hydronuclear test is clearly regarded as a nuclear explosion by many of the signatories to the NPT. They have made it clear that they will not accept a Comprehensive Test Ban Treaty that allows for hydronuclear tests.

That is the reality. Some may wish it was otherwise. In the past, I have suggested that such tests, if small enough, might be acceptable under a comprehensive test ban. But clearly other nations disagree, and the goal of a comprehensive test ban is too important to lose.

The Exon amendment will enable us to take the next important step in the post-cold war era— the achievement of a comprehensive test ban that will serve as the cornerstone in that all important battle to prevent the proliferation of nuclear weapons. I urge the adoption of the amendment.

This is a sound, sensible amendment. I hope that it will be agreed to.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I support the amendment being offered by the Senator from Nebraska [Mr. EXON], and am pleased to be a cosponsor. This amendment would remove from the Armed Services Committee bill the requirement that $50 million be spent in preparation for hydronuclear testing.

In one respect, I believe the committee bill would set our Nation on an unfortunate course. It in effect would place the United States in a position of moving toward a new nuclear testing program. This would deflect us from the current strong administration effort to achieve a comprehensive test ban and it would send an unmistakable signal to other nations of the world that the United States is not serious and purposeful in its quest of a test ban.

Those who joined with us in the decision this spring to extend the Non-Proliferation Treaty could come to no other conclusion than that the United States had acted in bad faith in order to secure approval of extension of the treaty. This would be an unfortunate effect of any such decision to go forward with a testing program that simply is not needed to safeguard our national security.

Mr. President, I believe that this amendment will leave the way open to the successful completion of test ban negotiations in Geneva. That negotiation is in process now with the goal of achieving a comprehensive test ban next year.

I would hope that such a ban can be in place by October 1, 1996, as envisaged in legislation over the last several years. Until that time, I would hope that the United States would continue to adhere to the present moratorium on nuclear testing. I believe that the President should be commended strongly for his steadfastness in this regard.

Some years ago President John F. Kennedy reached a breakthrough agreement with the Soviet leadership that brought the first agreed limit on nuclear testing. That agreement, the Limited Test Ban Treaty of 1963, forbade nuclear testing in the atmosphere, in outer space, and under water. It allowed testing only underground and required that testing be done in such a way that the world be spared from radioactive poisoning from the debris of nuclear tests.

Moving beyond that Limited Test Ban Treaty has been difficult and tortuous. President Nixon accomplished the Threshold Test Ban Treaty in 1974 and his successor, President Ford, negotiated the Peaceful Nuclear Explosions Treaty. It took more than 10 years to get these treaties ratified and in place.

Currently, the five nuclear powers are following different courses. We and the British, who must use our testing site, are adhering to a moratorium. The Russians are also adhering to a moratorium. The Chinese are following a nuclear testing program in anticipation that a test ban may be achieved. The French have just unleased a political firestorm in the Far East by announcing a series of tests in the South Pacific.

Earlier this year the President of the United States made the very wise decision to abandon U.S. efforts to negotiate a treaty with a provision allowing an easy exit from the treaty at the 10-year mark. This provision could accommodated those who would like a comprehensive test ban to be effective and in force for only 10 years. Nonetheless it worried those nations who fear that the nuclear superpowers do not, in fact, intend to end nuclear testing for all time. The President understood these concerns and decided to negotiate a treaty without an easy exit. As is the case with most treaties, nations will be able to get out of the treaty if they find their supreme national interests are jeopardized.

Unfortunately, there have been protracted discussions on whether to allow exceptions under the treaty and what kind of exceptions they should be. Some of the parties would like to see a reduced threshold for nuclear testing rather than elimination of testing. Some would like to see so-called peaceful nuclear explosions revived. Still others would like to see safety and reliability testing be permitted. In our own country, these discussions have led from the suggestion that detonations with explosive power of several pounds be permitted. This has led still further to advocacy by some in the defense community of flexibility in the treaty that would allow hydronuclear explosions of several tons, or even hundreds of tons of explosive power.

Mr. President, we would delude ourselves if we believe that the nations of the world, having agreed to the permanent extension of the Non-Proliferation Treaty this spring at our behest, would now agree to allow continued nuclear testing under any guise. We are committed to these nations to bring nuclear testing to a halt. We should not be dissuaded from pursuing that course.

The authorization bill as written would require hydronuclear testing and essentially deflect us from our goal of a complete end to nuclear testing. The Exon amendment would get rid of this provision and allow the President to pursue the present course. I hope the Senate would have the wisdom to agree to the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I have 2 minutes left.

The PRESIDING OFFICER. Two minutes, fifty-one seconds.

Mr. THURMOND. Mr. President, I rise to support the prudent and reasonable attempt to plan for the resumption of treaty compliant hydronuclear testing, as contained in the Thurmond-Domenici amendments.

Every weapons system, indeed every machine in our technological society, requires testing. Hydronuclear testing is the only tool left to assess our confidence in the safety and reliability of the shrinking U.S. nuclear stockpile.

DOE testimony to the House states that the potential alternative to testing, science-based stewardship, is not guaranteed to work. If it does work, it will take 15 to 20 years to perfect. Given this risk, it is imprudent to give the sole remaining tool which can perform a reality check on the primary of a nuclear weapon in a dynamic environment.

No other nation should feel threatened that we feel the need to keep our weapons safe and reliable. I urge the defeat of the Exon-Hatfield amendment and demonstrate a strong support for our Nation's nuclear deterrence.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will use 1 minute out of my leader time.

Mr. President, I ask unanimous consent that following the first of the consecutive votes, there be 4 minutes of debate equally divided between Senator THURMOND and the sponsor of each amendment before each of the remaining votes.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. I ask unanimous consent that the following amendments be the only first-degree amendments in order to S. 1206, and that they be limited to relevant second-degree amendments.

I will submit the list, since there are 185 amendments; 105 Democratic amendments and 80 on the Republican side.

This has been approved by both sides. At least it gets us to a limit.

I do not know how we can finish this bill. Senator THURMOND is prepared to stay all night tonight. He has a plane at 5:30 in the morning.

So we can go at least until 5:30.

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

Mr. DOLE. I ask unanimous consent that the list be printed in the RECORD.

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

POSSIBLE AMENDMENTS—MAJORITY

Abraham: Burdensharing, manufacturing technology.

Brown: Fitzsimmons, Pakistan, Pakistan, Pueblo, Pueblo, Taiwan.

Campbell: Fitzsimmons Army Hospital.

Cohen: Information technology relevant.

D'Amato: Land conveyance, transfer of real property, waste water treatments.

Dole: JPATS.

Domenici: Energy, USMER ranchers, DNA microwave, Army ground radar, Army EAC, Flirs for customs, AF laser, spouse abuse.

Faircloth: Subtitle D.

Gramm: Relevant.

Grassley: DOD executive aircraft, reduce funding level, defense modernization account, sale of aircraft.

Helms: Battle of Midway, Fort Bragg, relevant.

Inhofe: PFNA, CATT Program.

Kempthorne: Relevant.

Kyl: Nunn-Lugar funding, Coop threat reduction.

Lott: ABM review sec. 237, relevant, relevant, relevant, hydra 70.

McCain: Land conveyance, Wyoming, Olympics, land conveyance, Montana, BRAC improvement, U.N. peacekeeping.

McCain/Campbell/Brown: _____.

Murkowski: North Korea, military housing.

Nickles-Inhofe: Ft. Sill Milcon.

Pressler: Jr ROTC, Indian reservations, relevant.

Shelby: Battlefield Integration Center, BMD Technology Center, DSETS.

Smith: DAGGR, Brac leases, relevant.

Specter: Bosnia war crimes.

Stevens: Rules for acquisition/subcont, cargo preference.

Thurmond: Air Force Reserve, relevant, awards, report requirements, relevant (personnel), Defense Cooperative relation, relevant, relevant, relevant, relevant, relevant, relevant.

Warner: Relevant fissile materials, relevant, relevant, relevant, relevant.

Warner/Kempthorne: Nuclear spent fuel.

POSSIBLE AMENDMENTS—MINORITY

Akaka: SoS French nuclear test.

Bingaman: Funds ongoing ops., Funds TRP, Pentagon renovation, relevant, relevant, relevant.

Boxer: Military convicts, Land conveyance, Executive compensation, relevant.

Breaux: Cargo preference.

Bradley: Budget cap, F22, Comanche.

Bumpers: Relevant, relevant, relevant, Ft. Chafee.

Byrd: Relevant, relevant, relevant.

Conrad: Relevant.

Daschle: Health care, relevant, relevant.

Dorgan: Land conveyance, relevant.

Exon: Nuclear testing report, Navy nuc. fuel storage, ASAT funding.

Feinstein: Jordan draw down, repeal sec. 382, land conveyance, military const. auth. ext., defense conversion, relevant, base reuse.

Ford: ROTC.

Glenn: Service academy requirements, humanitarian assistance, defense modernization, IRIS, relevant, relevant.

Harkin: Burdensharing, civil air patrol, relevant, relevant, relevant.

Heflin: Start 1, advance technologies, test equipment.

Johnston: Relevant.

Kennedy: Relevant, relevant.

Kohl: Authorization levels, Env. advisory board.

Lautenberg: Relevant, relevant.

Leahy: Land mine moratorium, land mine clearance.

Levin: Relevant, relevant, relevant, relevant, relevant, relevant, relevant.

Mikulski: Relevant, relevant Holskid BRAC Disposal.

Nunn: J ROTC, civil military cooperative, civil military cooperative, civil military cooperative, relevant, relevant, relevant, Missile Defense, relevant, relevant.

Pell: Relevant, relevant.

Pryor: Leasing provision on closed bases, SoS director oper. test. & eval., testing of TMD, report arms export control, relevant, relevant.

Reid: Relevant, relevant.

Robb: Relevant, relevant, pilots rescue radio, reserve authorization, commercial ship research, privatization of military air.

Sarbanes: Anechoic Chamber, Pax River Ready Reserve Fleet.

Simon: IMET provision, peacekeeping funding, contingency force peace operations, land exchange.

Wellstone: Relevant.

ADJOURNMENT OF THE TWO HOUSES

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 92 just received from the House. I ask that it be read so that all Members will know what it is.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:.

A concurrent resolution (H. Con. Res. 92) providing for an adjournment of the two Houses.

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, August 4, 1995, pursuant to a motion made by the Majority Leader, or his designee, it stand adjourned until noon on Wednesday, September 6, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day beginning on Saturday, August 5, 1995, through Saturday, August 19, 1995, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, September 5, 1995, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOLE. Mr. President, I ask unanimous consent that the concurrent resolution be considered and agreed to, and that the motion to reconsider be laid upon the table.

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

So, the concurrent resolution (H. Con. Res. 92) was agreed to.

Mr. DOLE. I thank my colleague. If that took more than 1 minute, take it out of my leader's time.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. EXON. Mr. President, I ask for the yeas and nays on the Exon amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Can we get the yeas and nays on all the amendments?

Mr. EXON. I will be glad to incorporate that. I ask for the yeas and nays on all of the amendments with reference to the matter that we have been debating.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. So there will be the yeas and nays on four amendments.

Mr. THURMOND. Mr. President, I yield back any time remaining, and I am going to move to table the Exon amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. EXON. I make an inquiry of the Chair. I thought that the yeas and nays on the Exon amendment had been ordered.

Is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. EXON. Then a tabling motion would not be in order at this time, would it?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that a tabling motion would be in order.

Is there a sufficient second on the tabling motion?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Exon amendment is set aside. The Senator from Nevada [Mr. REID] is recognized to offer an amendment, on which Senator REID will control 40 minutes and Senator THURMOND will control 20 minutes.

The Senator from Nevada.

AMENDMENT NO. 2113 TO AMENDMENT NO. 2111

(Purpose: To strike the provision designating the location of the new tritium production facility of the Department of Energy)

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 2113 to amendment No. 2111:

On page 29 of the amendment, strike lines 18 through 21.

Mr. REID. The record should read as on the amendment that this is offered on behalf of both Senators from Nevada.

Mr. President, I object to the section of this amendment that directs the Department of Energy to site its new tritium production facility at Savannah River.

For Members of the Senate, let me explain briefly what we are talking about. Tritium is an element that is critical to all modern nuclear weapons. However, it is radioactive and decays. Our weapons will cease to work if we do not periodically replace the tritium. We do not now in the United States have the ability, the capability to produce tritium. We must develop a new tritium source.

We are, in this amendment, striking from this Thurmond amendment the specification that this new producer of tritium shall be in Savannah River. This is not an appropriate action and certainly it is not an appropriate issue for legislative action.

Decisions like this belong with the administrative branch of our Government. Decisions like this must be based on a complete analysis of many complex technical and economic decisions. A fair and impartial assessment of alternatives for different techniques and sites is what is called for. To think that we, as a Senate, can step in without hearings, without any procedures at all to indicate what would be the proper site for this production facility would be absolutely wrong.

It is clear the reason that this is in the bill is because of the chairman of the committee being from South Carolina. There is no other reason. The fact is there are a number of sites that the Department of Energy and this administration generally are looking at to determine where would be the best place to put it. One of the sites, of course, is at the Nevada test site.

If there were a vote taken today with the people in the Department of Defense, people in the Department of Energy who are making the decision, Nevada would probably win, but that is not how these decisions are made. It is not by a vote. It is by people who are administrators, who listen to the experts who work under them and for them and with them to determine where would be the best place to site this production facility. It certainly should not be done in a site specific amendment as we are now asked to consider.

Why does South Carolina feel that they must legislate the outcome of this issue? Why should not South Carolina and the Members of this Senate be willing to take their chances that their site is the best site?

The junior Senator from New Mexico earlier today in his remarks on the underlying Thurmond amendment indicated that he would not approve of the site specific section of the bill. He said that he would support the Reid amendment, and I think that is the way it should be.

This is not some small project that you can put any place you want. This is a multibillion-dollar project. This is not a project that costs a few million dollars, a few hundred million dollars. This is a project that costs a few billion, and it is simply wrong to site it as has been done by the committee in this bill. This is a multibillion-dollar

project upon which our nuclear deterrent critically depends.

As we all know, funds for all Federal projects are limited. We should not be taking such a large and significant project and turning it into a local jobs project.

I have already stated that Nevada is one of the places that is being considered for this project, and I say ''considered'' because I do not know what ultimately, when all the merits are added up, where this project would go. Nevada has a shot at it, of course. But we certainly cannot eliminate good science and good administration and in this bill simply say it is going to South Carolina. It is wrong. This is one of the types of things that gives Congress the name it has now. If there were ever an example of congressional pork, this certainly would be a good example. I also realize that Nevada's chances are eliminated if we do not pass this amendment that is now before the body. So, Mr. President, this is not a parochial issue, it is an issue of good Government. We all agree that we have to balance the budget. We have a different method of doing that. We have priorities that seem to be bantered around here which would be the best way to go to balance the budget. We all agree it should be balanced. But one of the things we have to stop doing is legislating as we are doing in this manner. We simply cannot put a multibillion dollar project in a certain State or district because the chairman of the committee is from that State or district. That is wrong.

This is an issue for all of us who care about spending our limited dollars wisely. This is not an appropriate way to spend our money. The amendment that I have offered to preclude the earmarking of the site for this new tritium project is an amendment for good Government and saving the Government money. I ask all Senators to join me in defeating this attempt to bypass the ongoing process to choose a technology and a site for our Nation's future tritium production.

The language from the bill, that is from the Thurmond amendment, says, ''* * * shall locate the new tritium production facility of the Department of Energy at the Savannah River site, South Carolina,'' before we know the technology, before we know the cost, before we know the suitability of the Savannah River site for the project. It is regardless of NEPA reviews; that is, the environmental impact that it would have on that part of the country. It is regardless of the cost of alternatives. What if we find an alternative that will save 10 percent? That is hundreds of millions of dollars. What if we find an alternative that will save us 5 or 3 or 20 percent? Should we not be given the latitude, should our administration not be given the latitude of looking at what would be best environmentally, what would be best from a cost basis? What about the ability of the facility to start producing tritium? What if one site, that is, the one in South Carolina, would take 8 or 9 years to develop this production capability? And let us assume another one would take 2 years. Should the administration not look at which would come on line the quickest? Of course.

But what we are doing, we are citing it in this amendment, regardless of the environmental impact, regardless of the cost, and regardless of when it will be able to come on board, when we will be able to start producing tritium. Does this mean we are forgoing the option of using a commercial reactor for tritium production? It appears that way.

Mr. President, we have no tritium production today. Any production facility will therefore be a new facility. It seems that we have just precluded the commercial reactor option; that is, are we going to use some of the commercial reactors that are now available for tritium, and we would buy it from the commercial producer? That is an alternative. Should we not be able to take a look at that to see if that is most appropriate way to get our tritium for our nuclear weapons? Why are we forcing a decision now?

Mr. President, the question is the answer. We all know why the decision is now being forced. We are needlessly constraining the decision process for what? Again, the question assumes the answer. It is very obvious.

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

The PRESIDING OFFICER (Mr. KYL). Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I move to table the amendment.

The PRESIDING OFFICER. On the motion to table the amendment, is there a sufficient second?

Mr. REID. Mr. President, there is a unanimous consent request that has been——

Mr. THURMOND. After we vote on the Exon amendment, not now.

The PRESIDING OFFICER. The motion would not be in order until after all the time is expired or yielded back.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I will make it after the time expires.

I rise to oppose the Reid amendment and point out to my colleagues that the Savannah River site has had the tritium production mission for over 40 years. Why change? The U.S. Government has invested heavily in a unique infrastructure at the site for handling that naturally decaying radioactive gas and for recycling tritium throughout the U.S. nuclear weapons stockpile.

For this reason, it would not be cost effective for the new tritium source to be placed at any other location regardless of the technology used for production. The taxpayer, who is frequently mentioned here on the floor, would have to duplicate the recycling infrastructure required to handle the radioactive tritium and the gas bottles which contain it in our nuclear weapons. Additionally, transporting this radioactive gas across the land from separated production and recycling sites does not make sense either.

The colocation of tritium recycling facilities and the new tritium production facility is the only solution that makes economic sense for the American taxpayer.

I wish to point out to the Senate that the Savannah River site is located on the border between the States of Georgia and South Carolina. The people of both States have, after the land was condemned for this facility, supported this mission of the site for the past 45 years and cooperated fully with the Government in every way possible in its important mission to sustain the nuclear stockpile.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend from South Carolina, if all these arguments are valid, then why should we have this in the bill? If all his arguments are valid, then the people who are making the decision, the Department of Energy and the Department of Defense, I am sure, will take all those facts into consideration. If he is right, South Carolina would wind up getting it.

I will yield whatever time the Senator from Nevada may consume.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair, and I thank my senior colleague for his leadership in providing this amendment, which I strongly support.

Mr. President, as Senator REID has indicated, he and I clearly have a vested interest in the outcome of this amendment. The Nevada test site is also being considered as the location for a new tritium source. Frankly, our view is it is far superior to any other location that is being considered. But I hope, Mr. President, my colleagues will understand that this is not just a battle between two States that seek to acquire a new major project which Senator REID has indicated is of the magnitude of several billions of dollars.

The Department of Energy's efforts to build a new tritium supply is probably one of the most important current programs to ensure our continued confidence in our nuclear stockpile. The tritium supply program is absolutely essential to our national security program. Senator REID alluded to it, but I would like to embellish on it a little bit. Tritium is a radioactive gas and tritium is used in almost all of our nuclear weapons to achieve a so-called booster effect; that is, to magnify or to amplify the full impact of the nuclear yields. And our national defense planners, strategists, have come to rely

upon those projections. So the premise undergirding our national defense strategic deterrence is predicated upon yields that can be achieved only with the use of tritium.

Tritium, however, has a relatively short half life, a little over 12 years, which means that it decays at a rate of about 5 percent a year and needs to be replenished on a regular basis.

Recent reductions in our nuclear weapons stockpile have allowed us during this interim period of time to recycle tritium from retired weapons and has reduced the pressure to build a new tritium supply somewhat. But the need in terms of a long-range supply is still quite critical.

Even if we take advantage of the tritium made available by retiring weapons, if we do not have a new tritium supply on line by the year 2011—that is just 16 years away—we will need to start to dip into our tritium reserve.

By 2016, even using the reserve, it will not be adequate to meet our needs.

Mr. President, since I think most everybody acknowledges it will take about 15 years or more to get a tritium supply facility up and operational, we need to act now to make sure we will have a viable nuclear deterrent capability after the year 2011.

There are two ways, as I understand it, that you can produce tritium. There is the traditional way that we have produced it in the past with a nuclear reactor, and there is a new way which offers considerable hope and promise. It is a linear accelerator. Scientists tell us that either way is feasible, and the Department of Energy is in the process of evaluating these two options, including an evaluation of numerous options within the nuclear reactor category.

A decision on which technology will provide us the most confidence and will be the most fiscally responsible is to be announced soon by the Department of Energy.

In addition to evaluating the technology options, the Department is going to decide where to site this new tritium facility. Several sites are considered including one in Idaho, Savannah River, Oak Ridge, Pantex, and the Nevada test site. This will be primarily research oriented. I do not consider the naming of the site at this time an urgent matter.

Nevertheless, the Secretary of Energy is committed to the announcing of a preferred site for the tritium supply technology in the near future.

The Department recognizes the seriousness of this decision and has devoted a considerable amount of time and a great many resources to ensuring that the final decision will result in a viable cost-effective tritium supply program.

Mr. President, this is not the time for Congress to meddle in what is essentially a technical and scientific decision process. I realize that some of my colleagues may be frustrated with what they perceive to be delays in moving forward with the tritium supply decision, and given the Department's track record in a number of programs, it is all too easy to place the blame for delays in a program on the Department of Energy.

In this instance, however, I simply do not believe the criticism is justified. Since 1988, when the New Production Reactor Office was established to develop a new supply for tritium, there have been incredible changes in the environment in which the Department is acting: The Soviet Union has imploded. The cold war is over, and President Bush's three announcements during 1991 and 1992 of significant reductions in the nuclear weapons stockpile program has dramatically changed the picture with regard to a new tritium supply.

When the Bush administration, under Secretary of Energy Watkins, decided not to pursue the new production reactor, an entire new plan had to be developed for the production of a tritium resource.

The Secretary of Energy was required under the fiscal year 1994 Defense Authorization Act to issue a programmatic environmental impact statement by March 1, 1995. This draft PEIS for tritium supply and recycling issued by the Department last February complied with the requirement and is the latest product of a 7-year process to develop a rational, cost-effective, scientifically based program to ensure the capability of our nuclear weapons well into the next century.

No preferred site or technology was identified by the February 1995 document, nor is one required under the NEPA process. At that point, the Secretary of Energy committed to executing a record of decision by November of this year.

By Government standards, that is a reasonably quick turnaround. The Secretary also made it clear that a decision on the preferred technology or site may be announced prior to the November record of decision.

That is where we stand today, Mr. President. The PEIS is on the street and the Secretary is committed to a decision by November of this year. The Secretary, clearly feeling she did not have sufficient basis to make a decision on site or technology prior to March 1, is currently evaluating the technical and scientific evidence gathered through the NEPA process. That is as it should be.

To give you some indication of the magnitude of the PEIS, this indicates the voluminous nature of the information that is being compiled, that is currently being reviewed and analyzed by the Department. These are two volumes entitled ''The Draft Programmatic Environmental Impact Statement for Tritium Supply and Recycling.''

It is my view that the Secretary ought to be permitted to move forward in that evaluating process. It is hard to understand how Congress, on a matter of such importance to our national defense, could even consider substituting its judgment on a parochial basis for the scientific and technical expertise that is being considered by the Department of Energy.

I realize that the language our amendment seeks to strike only specifies the site for the new tritium source. The language presumes to leave the technology choice to the Secretary of Energy and only identifies the site for the new facility.

Unfortunately, Mr. President, it is not quite that simple. In order to obtain the most reliable and cost-effective results, the Department of Energy must maintain the flexibility it needs to determine both the site and the technology for the new tritium resource.

As the draft PEIS makes abundantly clear, each of the sites being considered for the new tritium source has its own advantages and disadvantages.

Should the DOE decide to build a new reactor, whether it is a so-called triple-play reactor, advocated by the senior Senator from South Carolina, or any other type of reactor, Savannah River appears to be the most likely site. The Nevada test site is less suitable and, parenthetically, I would oppose building a reactor anywhere in Nevada. On the other hand, given the freedom to make the most rational decision, the Nevada test site would be the preferred alternate, if the chosen technology turns out to be an accelerator. Others would disagree, and I acknowledge this is a debatable proposition, but at this point, the best course we in Congress can pursue is simply let the NEPA process run its course.

In supporting the Reid-Bryan amendment, that is what the Senate is pursuing: To allow the course which the Congress set in motion in 1994 by directing that a programmatic EIS be developed to make the determination as to site and technology for the new tritium supply. That is what we allow to occur.

By leaving the language in the bill as it currently is, we preempt that process, and in the interest of a parochial decisionmaking process, foreclose the Department from making a determination both, in my view, on technology as well as site.

Mr. President, I yield my time back to the distinguished senior Senator from Nevada.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I will make brief remarks on this amendment. I support the Senator from South Carolina and his position. Savannah River has been the tritium production complex since the dawn of the nuclear age. It has the infrastructure, it has the trained work force, it has the experience, it is a logical place for the new tritium facility, whatever technology is being chosen.

We do not have in this bill now, as I understand this amendment—I have not been a part of working on this amendment—but as I understand it, there is nothing in the bill now, after this amendment is adopted, that would tell the Secretary of Energy what kind of reactor to have. She still has that choice—the light-water reactor, the gas reactor, the multipurpose reactor, heavy water or even the accelerator. All of those technologies are available.

The Secretary of Energy said she is going to make this decision sometime in late summer or early fall. That means that this bill is bound to be in conference in September, and if the Secretary of Energy makes any other decision, other than Savannah River, then certainly we will have a time to study that carefully and to react to that in conference.

So I support the Senator from South Carolina on this. I urge the defeat of the second-degree amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I yield the able junior Senator from Georgia such time as he may require.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, as my good colleague from Georgia noted, the Savannah River site has been the site for weapons tritium production for nearly half a century—specifically 40 years. Obviously, given the importance of the production of that plant in terms of our nuclear policy, a very large capital investment has already been made by the taxpayers of the United States on the Savannah River site's unique, extensive tritium handling, tritium bottle recycling and production infrastructure—a huge capital investment.

If the new tritium production facility which DOE was planning were to be located at another site other than Savannah River, the large tritium bottle recycling facilities and the tritium production handling facilities would have to be replicated, rebuilt at a new site. This would be very expensive, cost-ineffective, and not wise.

Another alternative, I guess, would be to transport radioactive tritium to the Savannah River site bottle recycling from a distant new production site. This would require expensive, unique transportation, and would be perceived as a potential negative public health risk in the States transversed. On this basis, it is both logical and cost-effective for the Congress to designate this longstanding facility, a facility uniquely prepared to deal with this production as the location for the tritium production facility.

The bottom line here is, if you are talking about a change, you are talking about spending millions and millions of dollars, and you are talking about breaking the continuity chain of preparedness that the Savannah River site represents.

Mr. President, I yield back my time to the Senator from South Carolina.

Mr. THURMOND. Mr. President, how much time is left on each side?

The PRESIDING OFFICER. There are 13 minutes remaining for the Senator from South Carolina, and the Senator from Nevada has 19½ minutes remaining.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, my friend, the ranking member, the former chairman of the committee, said the only question is what kind of facility. Well, that really is not the only question. But, in fact, if that were the only question, why in the world would you want to site in South Carolina, no matter what kind of facility, a reactor accelerator?

If the Secretary of Energy is going to make this decision late summer/early fall, why would Congress want to meddle with what is already in the process of being decided? If there were ever an example of congressional meddling, this certainly would be it.

Mr. President, this is a big project. I am reading from one newspaper:

> The new tritium production facility would be the Nation's first since the 1960's. Cost estimates range as high as $10 billion, and the project could create more than 2,000 jobs.

In the other body, something like this was tried and, again, I read from the Energy Daily of June 1995, where over there it was referred to as ''radioactive pork.''

Well, thank goodness the House in its wisdom got rid of that radioactive pork, and that was deleted from their legislation.

If the Savannah River site is so good, why do they not let it compete on its merits? If the threat that I heard—namely, if the Department of Energy sites it someplace else, we will take a look at it in conference. This is a threat to the Secretary to site it on the Savannah River, or we will take care of it in conference. That is wrong.

My amendment lets the system of Government work the way it should, not with ''radioactive pork.'' It would be with the orderly process of Government. Let me repeat, Mr. President, the language in the underlying amendment of the Senator from South Carolina that I and Senator BRYAN are attempting to delete States, ''shall locate the new tritium production facility * * * at the Savannah River Site, South Carolina.''

We are subverting, standing on its head, making a mockery of the system of Government that we have, where the Director of the Department of Energy—the Secretary—will make a determination after due consultation with the Department of Defense, with the people that work for and with her, as to where it should go.

But in this Thurmond amendment, we are going to site it in South Carolina before we know the technology that will be used, the cost, or the suitability of the Savannah River site for the project. There may be technology that should only go to Savannah River that the Secretary will decide on. Or she may find that that is technology that they want to use and should not go to Savannah River for many reasons. Maybe the cost of the Savannah River, because of all the pollution from the failed reactor, for over 45 years, makes that site so expensive, so unreliable, that it should go someplace else.

This language sites it in South Carolina, regardless of the environmental concerns, regardless of the need for reviews, regardless of the cost alternatives, and, of course, as I have mentioned before, regardless of the impact on the schedule to produce tritium. What if we need to get tritium produced quickly. Does this mean that we are foregoing the option of using an existing commercial reactor for tritium production? Yes, it does. That may be the decision the Secretary will make, saving the taxpayers of this country billions of dollars.

We have no tritium production today. Any production facility will therefore be a new facility. It seems that we have just precluded the commercial reactor option. That is wrong, and that is not what we should want or what this Congress should be up to. We have certain budget constraints that we have all been working under. This flies in the face of that. Why are we forcing a decision now when we know, as indicated by the senior Senator from Georgia, that the Secretary is going to make this decision in late summer? Late summer is upon us. This decision could come within a matter of weeks.

We are needlessly constraining the decision process. For what? We are doing it for ''radioactive pork,'' and that is wrong.

Mr. THURMOND. Mr. President, I want to take a minute or two more. I want to just recall that in 1946, when I was Governor of South Carolina, the project was announced to build this plant in Aiken, SC, on the Savannah River between Georgia and South Carolina. I moved to Aiken to practice law. I guess I represented over 90 percent of the landowners down there. They had the land condemned and taken away, whether they wanted to or not. The Government said, ''We need this land for this plant.'' The Government needed it. They sacrificed a lot. They underwent many hardships. The plant was built.

Why now do we want to take away the opportunity for those people who sacrificed like they did to help the Government to build this plant for the good of our country? We are not asking that they use any particular kind of technology. They can use the accelerator or they can use the reactor, or whatever they want to.

We are merely saying it should not be taken away from these people who

sacrificed so much in their lifetime for this plant and for the Government.

We feel it should not be moved, regardless of what the technology is. It ought to remain at this site. It has been there for 45 years. Why take it away? They have done a good job. They have the infrastructure. They have the workers. They have everything to make a success.

I do hope that this amendment will be defeated.

Mr. REID. Mr. President, the proponents of sight infrastructure costs as their main argument, but this facility will produce training for 50 years.

I say, what is the lowest life cycle cost of 50 years? Do we care? We should care, Mr. President.

I yield to my colleague from Nevada whatever time he desires.

Mr. BRYAN. I thank the Chair. I thank my colleague.

It seems to me, Mr. President, that we have heard what essentially are three arguments by the distinguished chairman of the Senate Armed Services Committee. One is that it has been there for 45 years, and therefore it should continue in perpetuity for 45 years.

Mr. President, I think the answer to that question is self-evident. We are considering prospectively what is the best location for the tritium production facility in the future. That is the entire purpose of the problematic environmental impact statement.

Indeed, they may make and come to the same conclusion that our friend, the senior Senator from South Carolina made. But that is not an analytical or rational argument for a policy that has always been there, always been that way, and therefore we should continue that way forever in the future.

The second argument that my friend made was to suggest that somehow the recycling operation has been at Savannah River and that by colocating the new production facility, somehow we would ease or eliminate the transportation of tritium.

Mr. President, that is simply not true. As my colleagues, I am sure, know, we do not move nuclear bombs around the country, to have the tritium components of them added in second. When we are talking about retrofitting or adding the tritium component, you are talking about doing that at a facility that has the capability of doing that.

That is, first and foremost, the facility at Pantex. No one should have the impression that by having a recycling and production facility in South Carolina that we eliminate the necessity of transporting that new tritium product to either Pantex, or there is a facility at the Nevada test site that could handle the disassembly.

My friend makes the argument of sacrifice. While I am sure he recites the history, nobody quarrels with the senior Senator from South Carolina when he describes the history of the state that he has represented so long and so ably, and which I know he has great personal affection.

If we are talking about sacrifice, he is talking about the few thousand acres at Savannah River. Nevada is the mother of all sacrifices—the mother of all sacrifices. The Nevada test site alone is larger than the entire State of Rhode Island. Just the Nevada test site. If you want to talk about Federal sacrifice, 87 percent of the entire land mass of the State of Nevada is under the jurisdiction of the Federal Government, either the Department of Energy, the Department of Defense, the Bureau of Land Management, or the Forest Service.

I must say that I do not think any of those three arguments are compelling.

Finally, I return very briefly to, I think, the argument that my senior colleague makes so ably. That is, we started the process in 1994. We said, ''Let's look, see how we should handle future tritium production. Let's have a problematic EIS.'' Added into that mix is the fact there is a new technology we want to take a look at, the linear accelerator technology.

There are different types of reactor technologies that we want to consider, as well, some four technologies within the rubric of the reactor option, which is the other option other than the accelerator. All of those ought to be considered rationally as part of an evaluation process and ought not to be the subject of micromanagement by the Congress.

Let this process work its course. We in Nevada have a vested interest. We would like to see it in Nevada. I would like to see the linear accelerator, but I am willing to take my chance. I think that is the best policy.

I urge the Congress and this Senate to allow that course to work its way, as well, and let the experts make the decision. I yield the floor.

AMENDMENT NO. 2114 TO AMENDMENT NO. 2111

Mr. THURMOND. Mr. President, I ask unanimous consent that I be allowed to make certain technical amendments to the Thurmond-Domenici amendment. These have been agreed to by both sides. I send them to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 2114 to amendment No. 2111.

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:

Page 8, line 17 strike out ''$2,341,596,000 and substitute in lieu thereof $2,386,596,000''.

Page 8, line 20 strike out ''$2,121,226,000 and substitute in lieu thereof ''$2,151,266,000''.

Page 9, line 1 strike out ''$220,330,000'' and substitute in lieu thereof ''$235,330,000''.

Page 9, line 25 strike out ''$26,000,000'' and substitute in lieu thereof ''$41,000,000''.

Page 13, line 6 strike out ''$550,510,000'' and substitute in lieu thereof ''$505,510,000''.

The PRESIDING OFFICER. Is all time yielded back?

Mr. REID. I yield back.

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

The amendment (No. 2114) was agreed to.

AMENDMENT NO. 2113

Mr. THURMOND. I move to table the Reid amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, parliamentary inquiry.

Could the Presiding Officer indicate what the parliamentary status is now.

The PRESIDING OFFICER. The first vote will occur in relation to the motion to table the Exon amendment.

Mr. THURMOND. I am informed Senator MCCAIN is not going to offer an amendment.

The PRESIDING OFFICER. The vote on the motion to table the Exon amendment can occur now.

Mr. REID. Immediately following that will be the Reid-Bryan amendment.

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

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

The question is on the motion to table.

Mr. EXON. Yes. If I understand the agreement right, the Senator from Nebraska has 2 minutes, as does the Senator from South Carolina.

I ask unanimous consent, as previously agreed to, that immediately preceding the vote on the Exon amendment, 2 minutes be allocated to the Senator from Nebraska and 2 minutes to the Senator from South Carolina.

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

AMENDMENT NO. 2112

Mr. EXON. Mr. President, there can be no question that we are about to cast a critically important vote. We will send a signal that will resonate around the world and have far-reaching implications on mankind's chances of moving further away from a reliance on nuclear weapons and a possible nuclear holocaust, or we can reverse course, abruptly and shamefully. As the world's leading nuclear superpower, we can send a signal loud and clear that, notwithstanding our protestations about the spread of nuclear devices, notwithstanding our supposed commitment to a nuclear test ban treaty, we are going to reverse course.

The Exon-Hatfield amendment assures a constructive policy of gradual and very deliberate thought processes, and offers the nuclear olive branch, if you will, to potential friend and potential foe alike, that the United States of America offers a hand of nuclear understanding.

If we vote down, if we table the Exon-Hatfield amendment, it is going to be a significant step backward for which we will not forgive ourselves, I suggest, for centuries to come. It is the time we reemphasize our restraint, our vigilance, and agree to the Exon-Hatfield amendment as we have explained in great detail during debate this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I just want to say that every weapons system, indeed every machine in our technological society, requires testing. The hydronuclear testing is the only tool left to assess our confidence in the safety and reliability of the shrinking nuclear stockpile.

Mr. President, we need to do this. We are living in a dangerous world. It is important that we be informed as to the reliability and safety of our weapons. They may have to be used. I do not need to cite the situations that could be dangerous in various parts of the world. We know about North Korea. We do not know what Russia is going to do, what China is going to do. We do not know what certain nations like Iran or Iraq and Libya will do, the terrorist nations. We must be prepared. And to be prepared we have to know what our weapons will do. We have to know they will be safe and reliable, and that is the purpose of this amendment.

The PRESIDING OFFICER. The question occurs on the motion to table the Exon amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced, yeas 56, nays 44, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—56

Abraham	Gorton	Mikulski
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Packwood
Breaux	Gregg	Pressler
Brown	Hatch	Reid
Bryan	Heflin	Roth
Burns	Helms	Santorum
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Johnston	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner
Frist	McConnell	

NAYS—44

Akaka	Boxer	Campbell
Baucus	Bradley	Chafee
Biden	Bumpers	Conrad
Bingaman	Byrd	Daschle
Dodd	Jeffords	Moynihan
Dorgan	Kassebaum	Murray
Exon	Kennedy	Nunn
Feingold	Kerrey	Pell
Feinstein	Kerry	Pryor
Ford	Kohl	Robb
Glenn	Lautenberg	Rockefeller
Graham	Leahy	Sarbanes
Harkin	Levin	Simon
Hatfield	Lieberman	Wellstone
Inouye	Moseley-Braun	

So, the motion to lay on the table the amendment (No. 2112) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2113

The PRESIDING OFFICER. The next order of business is amendment No. 2113, and under the previous order there are now 4 minutes of debate equally divided between the Senator from South Carolina [Mr. THURMOND]——

Mr. REID. Mr. President, the Senator from South Carolina and I have agreed to yield back our time.

Mr. THURMOND. Mr. President, I agree to yield back the time.

The PRESIDING OFFICER. Is all time yielded back?

All time is yielded back.

The question is now on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—57

Abraham	Frist	McConnell
Ashcroft	Gramm	Mikulski
Bennett	Grams	Murkowski
Biden	Grassley	Nickles
Bond	Gregg	Nunn
Breaux	Hatch	Packwood
Brown	Hatfield	Pressler
Byrd	Heflin	Roth
Campbell	Helms	Santorum
Chafee	Hollings	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Johnston	Snowe
Coverdell	Kassebaum	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner

NAYS—43

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Bingaman	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Bradley	Graham	Murray
Bryan	Harkin	Pell
Bumpers	Inouye	Pryor
Burns	Jeffords	Reid
Conrad	Kempthorne	Robb
Craig	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	
Feingold	Leahy	

So the motion to table the amendment (No. 2113) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The next order of business is the vote on amendment No. 2111.

Mr. THURMOND. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on amendment No. 2111.

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

Do all Senators yield back their time?

Mr. THURMOND. I ask for a voice vote on that amendment.

Mr. NUNN. Mr. President, is all time yielded back?

Mr. THURMOND. We yield back all time.

VOTE ON AMENDMENT NO. 2111

The PRESIDING OFFICER. With all time yielded back, the question is on agreeing to amendment No. 2111.

The amendment (No. 2111) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The next order of business is an amendment to be offered by the Senator from Arkansas [Mr. BUMPERS], dealing with defense firewalls, with 1 hour of debate equally divided.

Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I hope the time will not start running until we have order in the Senate.

The PRESIDING OFFICER. The Senator from Arkansas directs that the time not begin until the Senate is in order. The Senate will be in order, please.

The Senator from Arkansas is recognized to offer his amendment.

AMENDMENT NO. 2115

(Purpose: To restore a common sense approach to the appropriations process by repealing the defense firewalls established in the FY96 Budget Resolution)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. SIMON, Mr. WELLSTONE, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 2115.

Mr. BUMPERS. 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, add the following new section:

SEC. REPEAL OF DEFENSE FIREWALL.

(A) Strike Section 201(a) through 201(b)(1)(B) of H. Con. Res. 67, as passed by

both Houses of Congress and insert in lieu thereof the following:

SEC. 201. DISCRETIONARY SPENDING LIMITS.

(A) DEFINITION.—As used in this section and for the purposes of allocations made pursuant to section 302(a) or 602(a) of the Congressional Budget Act of 1974, for the discretionary category, the term 'discretionary spending limit' means—

(1) with respect to fiscal year 1996, for the discretionary category $485,074,000,000 in new budget authority and $531,768,000,000 in outlays;

(2) with respect to fiscal year 1997, for the discretionary category $482,430,000,000 in new budget authority and $520,295,000,000 in outlays;

(3) with respect to fiscal year 1998, for the discretionary category $490,692,000,000 in new budget authority and $512,632,000,000 in outlays;

(4) with respect to fiscal year 1999, for the discretionary category $482,207,000,000 in new budget authority and $510,482,000,000 in outlays;

(5) with respect to fiscal year 2000, for the discretionary category $489,379,000,000 in new budget authority and $514,234,000,000 in outlays;

(6) with respect to fiscal year 2001, for the discretionary category $496,601,000,000 in new budget authority and $516,403,000,000 in outlays;

(7) with respect to fiscal year 2002, for the discretionary category $498,837,000,000 in new budget authority and $515,075,000,000 in outlays;

as adjusted for changes in concepts and definitions and emergency appropriations.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—EXCEPT AS PROVIDED IN PARAGRAPH (2), IT SHALL NOT BE IN ORDER IN THE SENATE TO CONSIDER—

(A) any concurrent resolution on the budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit for such fiscal year; or

(B) Within 30 days of the date of enactment of this Act, the House and Senate Appropriations Committees shall meet to consider the reallocation of the fiscal year 1996 suballocations made pursuant to section 602(b) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I know this psychologically is a terrible way to open a debate, but I have no delusions about the possibility of winning on this amendment. Given the makeup of the Senate right now, it is going to be several years before an amendment like this will take root, but it will take root when the American people focus not only on their misery but what caused it.

Everybody here is aware of the fact that we treat defense as not only the highest priority but everything else is secondary to it.

Not to be trite, but the truth of the matter is that we, like so many civilizations, from the Israelites on, may very well find that the strength of this Nation is not all in planes, tanks, and guns. How we treat our people, the kind of health care they get, the kind of education they get, the kind of environment they live in, those things determine what a powerful nation is, too. It usually takes me about an hour or two after I read the Washington Post in the morning to get enthused sufficiently enough to come to work. This morning it was especially depressing.

Here were three front page stories: House votes to prohibit States from paying for an abortion in cases of rape or incest. Mr. President, to me, that is a form of barbarism, to say that a child who may be pregnant by her father, or the most innocent housewife who is raped, if she has the money, no problem. If she is poor, she will birth that child. You remember the beatitude, ''Blessed are those who are persecuted.'' If that is not a form of persecution, I do not know what is.

The second story was: Senate votes to abrogate antiballistic missile treaty. That is not entirely true, but figuratively and, down the road, literally it is true. We will decide the interpretation of the treaty; we will decide whether it is abrogated or not, and if the Russians happen to disagree, so be it. The language of the bill itself said the Senate, not the President, will decide whether the ABM Treaty is in our interest or not. We will decide whether we want to live by it or not. And that solemn document that we put our names on in 1972 will be for naught. Who else wants to sign a treaty with us knowing that that is the way we treat our treaties? We simply cannot give up on the cold war. We just love it too much. Dr. Strangelove. Another beatitude is, ''Blessed are the peacemakers.'' Not too many people are blessed in this body.

The third story was: House cuts $9 billion in education, health care, and food for the poor. ''Blessed are the poor,'' unless one of them happens to get pregnant at the age of 17. What do we do in the Senate? We add $7 billion more than the Secretary of Defense and our chiefs of staff want. Can you imagine that? We are adding $7 billion more than our defense authorization asked for.

It was depressing. And as I read those three stories, I pondered on what else. Medicare? No firewalls around Medicare, health care for the elderly; there are no firewalls there. We are going to cut $270 billion over the next 7 years. We are going to give the States block grants on Medicaid and AFDC, not necessarily because we think it is more efficient, but because we are going to cut back on Medicaid. All that is health care for the poorest of the poor.

We are going to cut PBS, which is one of the few things that provide a little enrichment for our children. ''Sesame Street'' and Big Bird, adios. ''All Things Considered,'' which every Member of the Senate listens to going to and from work on NPR, adios. No commercials. We need to privatize this so we can get some commercials on PBS and NPR. I want to see, right in the middle of the Civil War series, a bunch of youngsters running down the beach with a Budweiser in their hands. That is what I call cultural enrichment.

And the arts—how I wish that guy Mapplethorpe had never received a grant. You see, he does not have anything to do with the repertory theater in my State. But we will be lucky to make it in my State with our symphony without some help from the National Endowment.

Food stamps. We did not develop food stamp programs willy-nilly. We did it because we made a conscious decision that we did not want anybody in this country to go hungry. Everybody acts as though it was some sort of a Communist conspiracy that should have never been put in place. We are going to cut that. If you do not happen to have a PAC or a $1,000 check, you are not getting anything out of this crowd.

Eliminate affirmative action. I have heard so many anecdotes on affirmative action that make my blood boil, and some of them are true. It has been an abused program. But do not say that the time has come when we have a level playing field when 14 percent of the black males in this country are unemployed, and 40 percent of the black teenagers are unemployed, compared to about 5 percent white.

You know, if we were to eliminate this famous tax cut I hear so much about—that is what the Medicare cut is, $270 billion; and $250 billion of that—virtually all—is for a tax cut, 70 percent of which goes to people who make over $100,000 a year. When I was a young practicing lawyer, I yearned for the day when I would make $100,000 a year. So now I am going to get a nice healthy tax cut. Every Senator gets $133,000 or $135,000 a year, a big fat pension, a health care plan second to none, and we are going to get a tax cut when 50 percent of the people in this country over 65 cannot sleep at night because they are in abject terror of getting sick and not being able to pay their bills.

If we just cut Medicare by half that amount and eliminate the tax cut and spend the other $135 billion on education and things that make us a great nation, we can still balance the budget in the year 2002 and do what we know we ought to do.

No, we are going to reward those who have already been richly blessed. And we are going to further abuse those at the bottom of the ladder. Indeed, we will step on their hands if they happen to be reaching for the first rung. We have become so cynical and indifferent. So we have to put firewalls around defense to make sure none of it ever gets out of the Pentagon into the hands of some poor soul who might need it for an education.

Senator KOHL is going to offer an amendment later today which would cut the $7 billion which was added on to this bill. Even if he were to prevail, which he will not even come close to doing, you could not take that money and use it for any other purpose.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 18 minutes and 50 seconds remaining.

Mr. BUMPERS. Will you kindly notify me when I have used a total of 20 minutes.

Mr. President, here is a chart which shows what is going to happen from 1995 to the year 2002, in defense. We go from $264 billion in 1995 to $280 billion in 2002.

What do we do with everything else—what is known as domestic discretionary spending—education, health care, you name it, medical research, law enforcement? What happens to that? It goes from $241 to $218 billion over 7 years.

Of the spending cuts that are projected to be made over the next 7 years to reduce the deficit and pay for the Republican tax cut for the wealthy, domestic spending, the things that make us great will absorb 43 percent of all the cuts. What in the name of God are we thinking about? We will spend $400 billion more for defense spending than domestic programs over the next 7 years. Mr. President, $400 billion less to take care of the real needs of the people of this country, that we are going to spend on defense.

How much are we spending on defense? Are we looking for two wars, as the Bottom-Up Review said?

Mr. INHOFE. Will the Senator yield?

Mr. BUMPERS. Not until I finish this statement.

This chart demonstrates what we spend for defense in comparison to our eight or nine most likely adversaries, Russia, China, North Korea, Iraq, Iran, Libya, Syria, Cuba—name somebody else. I do not care who you name. Our defense budget is twice as big as all nine of them put together. If you add NATO, twice as much as the rest of the world.

What are the proponents of the bill we are considering today proposing? That we add $7 billion to the defense budget.

We get so hairy chested around here when defense comes up. Everybody favors a strong defense. Nobody wants to ever be vulnerable. This is what you call piling on. You just cannot pile on enough money. Even the Pentagon is trying to shovel it back to us, and we will not take it.

I appreciate the Defense Department. When we have a crisis, I am glad we have aircraft carriers. I am glad we have all the sophisticated weaponry. All I am saying is, there ought to be some kind of balance, because it is not going to make any difference how much we spend on defense if we are not careful about what we are doing back home.

Mr. President, I saw a poll of high school seniors about 5 years ago. Who are your heroes? About the only one I can remember is Tom Cruise. I think Mr. T was on the list. It was a list of rock stars. Michael Jackson was high on the list. That is who the high school seniors revere in this country. Mother Theresa did not make it. The Pope did not make it. Poor old George Bush did not make it. Not even mom and pop.

Senators, can you imagine somebody asking you that question when you were in high school, who were your heroes? I would have popped out my father so fast it would make your head swim. You talk about a hero. I worshipped the ground he walked on. Mom and pop did not make this list. If we keep going the way we have gone this year in the U.S. Congress, Tim McVeigh and David Koresh will be on the list next year.

I am not trying to take the money away from the Pentagon with this amendment. I am simply saying the people of this body ought to be more thoughtful about where the real strengths of the Nation are. We ought to be more thoughtful about people who have not had the luck we have had.

I know a woman who is very wealthy and she is always saying, ''Can't everybody be rich and beautiful like me?'' The truth of the matter is, most people who have made it, and especially if you come from a town during the Depression with a population of 851, have had a lot of help. I did not become a Senator just because I am such a great person. I tell you why I did it. I did it because this same Congress, back when they were a little more sensitive about things like this, gave me a free education.

That is right. My brother went to Harvard. I went to Northwestern. My father was a poor man. He could no more have afforded that than he could fly to the Moon. I was fortunate and received a little Government help after World War II, and had a teacher who taught me to speak and read well, did something for my self-esteem. The main thing I did, and what most people that make it did, is choose my parents well.

Mr. President, I just want to say I am not trying to move money out of the Defense Department into any of these other programs. I am saying as a psychological thing we ought not to be sitting here and saying you cannot touch defense for anything, no matter how critical it may be.

If we continue the way we have started this year, and especially that Contract With America, this country is in for a terrible shock. That is not what the people were voting for, they wanted change, but this is not the change they were voting for, I do not think.

When they begin to feel the pain, they are going to begin to wonder what they voted for. I am telling you, if we keep going the way we are going now, trying to tinker with the Constitution, spending every extra dime we can get our hands on on defense, that age of know-nothingism back in the middle of the 19th century will be known as the age of enlightenment.

As you know I have such a reverence for the freedom of religion in this country, but there is a great quote of Isaiah, admonishing the Israelites when they got sort of cynical about all their people.

He said to them:

> Learn to do well; seek judgment, relieve the oppressed, judge the fatherless, plead for the widow.

Maybe that is just good for the Senate prayer breakfast or on Sunday morning. It does not seem to be terribly relevant here.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. I wonder if the Senator will yield 6 minutes?

Mr. THURMOND. I yield 6 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do we have in opposition?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. DOMENICI. Mr. President, first let me suggest to my good friend, Senator BUMPERS, he has given a very great speech about what he thinks we ought to be doing in the United States. But I must tell those who are listening, very little of it has to do with the amendment he is talking about.

The amendment he is talking about is very, very simple. In 1990 I was privileged to have an idea—that I had been thinking about and worrying about—become the law. In that year, 1990, and 3 years thereafter, we decided that once the Congress of the United States voted in an amount of money that they wanted spent on the defense of the United States, that during that year they only had two options regarding defense: First, if they did not want to spend all of the defense money, they applied what was saved on the deficit; and, second, if they want to spend defense money on anything else, they had to get 60 votes to do it.

That is a pretty reasonable approach, when you consider the propensity of legislators to want more and more for programs that they love, or that they need, or that they want for their constituents. And you put it up against a big defense budget and everybody can say, ''Oh, take a little bit away for this. Take a little bit away for that.'' Frankly, if we had not seen that happen in the processes around here, we would not have been concerned about it. But whenever the pressure is tough on nondefense spending, the nest egg of defense is looked to as the savior for every other program you want.

Mr. President, I believe this year we did the right thing. We decided that once we voted on a budget resolution, which was indeed a compromise—between the House that wanted more, and the Senate that wanted less—once you compromised on that, you can only spend defense money if you get 60 votes in the U.S. Senate, a supermajority.

I believe that is very good law for the United States. It is practical. And if there is a real emergency and you want to move money from defense, you can get 60 votes. But otherwise you leave defense for defense.

These arguments about how much do we spend versus the rest of the world—

let me remind Americans right off the bat, we decided on an All-Volunteer Army, and we pay our military well. So the first thing you have to do, to all the other militaries in the world, is adjust what they are spending to what we are spending because we pay our men and women good wages. In fact, we are hopefully moving toward the marketplace. And few other countries do that. So we are proud to pay our people who serve in the military a living wage and give them benefits and other things, because we are depending upon them and their high quality.

My last point will be on Medicare and Medicaid. If it was relevant, I would suggest that a comparison of the next 7 years compared to a 1995 freeze will tell you that defense will go down $13 billion, Medicaid will go up $149 billion, Medicare will go up $349 billion. That is the reality of the current budget.

Having said that, the truth of the matter is if you took the firewall down—which is what this amendment would do—you could not spend any of that money on Medicare or Medicaid in any event. These are entitlements. That money would be controlled by the appropriators and spent on a myriad of domestic programs which feel pinched and which Members of Congress might decide in an appropriations process they want to take from defense to spend.

My last point, and it is quick. First of all, the Senator should know the Bumpers amendment is subject to a point of order, and I will make that when we are finished with our debate. That means it will take 60 votes to agree to that amendment. I think that is fair, too, because it is consistent with the firewall.

But I just did some quick numbers on domestic spending versus military spending, and I will just quickly share them with you all. In 1990, nondefense discretionary was $202 billion. In 1995 it will be $274 billion. That is a 36 percent nominal change upward. Defense was $300 billion. It went to $270 billion, which is minus $30 billion, which is minus 10 percent during the same period of time. In fact, the only part of the discretionary budget that went down is defense. Nondefense went up.

I am willing to admit, as one who is familiar with the budget, that the next 6 years will be tougher on nondefense. But I submit that it is not right for us, during a calendar year when we have said this is what we need for defense, to leave it vulnerable to an appropriations process which will take from it whenever and wherever it is deemed necessary, not because of defense needs but because of other program needs. I submit, in closing, the more pressure there is on domestic spending, nondefense, the more you ought to keep the walls if you are satisfied that what you need is represented within the defense number for defense.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. NUNN. Mr. President, will the Senator yield me 3 minutes?

Mr. THURMOND. Mr. President, I yield 3 minutes to the able Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 3 minutes.

Mr. NUNN. Mr. President, this issue has already been raised and voted on just 2 months ago on the budget resolution, as the Senator from New Mexico said. That was the appropriate place to debate this.

These firewalls are part of an overall Senate and House budget agreement. I think just to pick out one part of it and say we are going to pull it apart, either from the defense point of view or overall point of view—contrary to what the Senator from Arkansas may be assuming, these firewalls also protect domestic spending for the next 3 years. There are many Members of this body in the House and the Senate who feel that defense spending should be higher and are willing to take it out of domestic spending. We saw the House vote last night to cut $9 billion out of the domestic budget. Believe me, if we take down the firewalls, within a year or so you may find just the reverse, I say to my friend from Arkansas, than what you assumed. Because what the Senator from Arkansas assumes is if you take down the firewalls, you are going to take money out of defense and put it in domestic. Not necessarily so. That has been the indication in the past. I am not sure that is the case now.

I think, Mr. President, though, the main point I want to make is the firewalls do keep a separate account between defense and domestic. But there is nothing in the firewall provision of the Budget Act that in any way prevents defense from being cut. Anyone who wants to cut defense can come on the floor, propose an amendment to cut defense, either on this bill or the appropriations bill, and defense will be cut if a majority approve that amendment. What the firewalls do, and I think this is very important, they say if you cut defense it goes to deficit reduction, it does not get shifted to another spending account. That is what the firewalls do. I think they are very important. I think they preserve both defense and domestic spending, as the Congress decides on the budget resolution.

It is not as if we do not make decisions here. We make decisions on the budget resolution. We decide what goes within those firewalls. We do it every year. So that is the key place to make these changes.

I urge the Bumpers amendment not be agreed to.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I oppose the amendment offered today by the distinguished Senator from Arkansas.

I am concerned about defense spending levels. I have argued for years that defense was under funded. Even this year's budget resolution recommends defense budget levels lower than those I have advocated. As the search for precious dollars intensifies, I anticipate more and more attempts to divert defense funds to nondefense programs. We have seen attempt to fund nondefense programs in the last 2 days.

The Department of Defense has done more than its share in the budget reduction efforts. Defense has contributed more to achieving the deficit reductions outlined in the 1990 budget agreement than any other executive branch agency.

Establishing the caps will not prevent reductions in defense spending. It will, however, discourage raids on the defense budget by those seeking to fund domestic programs at the expense of our Nations' security.

With the caps on defense and nondefense spending levels, any reductions in these categories would have to go directly to reduce the deficit. This was the case when the Budget Enforcement Act of 1990 was passed. In fiscal year 1994, the cap on separate categories was eliminated allowing funds to be transferred between defense and domestic programs. As a result, we saw transfers out of defense to pay for some domestic programs from the Defense authorization and appropriations bill last year.

Since 1990, the defense budget has been reduced more than any other. We have asked thousands of service men and women to end their careers earlier than they had planned. DOD drastically scaled back procurement as well as research and development. The Joint Chiefs have testified that we are on the brink of return to the hollow force of the 1970's and early 1980's. At the same time, we are increasing the number and type of missions assigned to our forces. The Armed Services Committee worked very hard this year, within the defense levels in the concurrent resolution on the budget, to reverse these trends. In order to maintain these initiatives, I support the efforts of Senator DOMENICI and the Budget Committee to establish firewalls or caps on domestic and defense discretionary spending.

Mr. President, the Bumpers amendment would remove the protections we have worked hard to achieve. I urge my colleagues to oppose the amendment.

Thank you Mr. President. I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). Who yields time?

Mr. THURMOND. I yield such time as he may require to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator from South Carolina.

Mr. President, I rise in opposition to the amendment offered by the Senator from Arkansas for the reasons that have been previously stated relative to the contribution of defense spending to reducing our deficit over the past decade, the limitations on commitment to defense spending for the next 7 years as opposed to the significant increases in spending that will go to a number of programs but particularly to Medicare and Medicaid, and for the reasons stated by Senator from Georgia, and the Senator from South Carolina. However, what I would like to do is to discuss this proposal to allow further reductions in defense spending in a broader context.

There are some on the left who view every defense dollar as a dollar that is taken from social spending. And in all candor there are some on the right who view every defense dollar as a dollar taken from deficit reduction.

I submit, Mr. President, that neither can understand why we are asking for more money in this legislation than the President requested, albeit a very small amount more, $7 billion. Both I think the left and the right are missing the big picture of history by focusing on the small print of the budget.

There is a great deal at stake in this debate. Defense spending must be placed in a broader context. That context is outlined with exceptional clarity by historian Donald Kagan in his new book ''On the Origins of War''. In case after case, he argues, war has been ''The product of the failure of the victors * * * to construct a solid basis for peace.''

He goes on to say, ''A persistent and repeated error through the ages has been the failure to understand that the preservation of peace requires active effort, planning, the expenditure of resources, and sacrifice, just as war does.''

This historical fact should sober us. Great, victorious powers have a special burden, and are especially prone to misjudgment. They have a tendency, Kagan says, to be either too hard or too soft, or both in succession. They can be motivated by the highest ideals, but still lack the will to secure them. In this way, leaders who desire peace can encourage war. Sustaining the peace is always an act of will and design—based on diplomatic and military strength.

The history of America has become the central feature of the history of the world. We did not seek that position through imperial ambition—but we have been selected, nonetheless, for great responsibilities. This should focus our minds, and focus this debate.

I'm looking at this we are not left without guidance from the past. Every generation imagines itself exempt from the laws of history, and every generation is forced to follow them. Those laws can be respected or resented, but not changed or ignored. It is a useful exercise to clarify and repeat them, as Donald Kagan and others have done.

Listen to his rules.

The first rule is that peace is not a natural condition. The New World Order is destined to disorder. Moments of international calm have never prevented future conflict. Every prediction of perpetual peace has been disappointed. The reason is rooted in human character. British military historian Michael Howard comments, ''We have not improved as people, however much we have improved as technologists.'' That should be obvious from the 50 conflicts that rage in the world at this moment.

The second rule is that war is always a surprise. Strategies that depend on long warning periods or time for preparation, are bound to fail. Deterrence with current power is the only adequate insurance against the unknown. During the cold war, the experts said that the likely warning time of a Warsaw Pact attack on NATO was somewhere between 3 days and 3 months. After German reunification, we discovered that Warsaw Pact readiness would have allowed for an attack in 3 hours.

Paul Wolfowitz of Johns Hopkins draws this lesson from our experience in Korea in 1950. Just 5 years after the height of American power in World War II, he says, ''A third-rate power almost kicked the U.S. off the peninsula.'' It was not until 4 months later that General MacArthur was able to launch the Inchon landing that started a 3-year fight back to Korea's original borders.

In a regional conflict, an enemy does not judge America's potential power, but our actual force. ''The bottom line,'' says Wolfowitz, ''is that people are judging your will, your capability to deliver.''

The third rule is that war is prevented by creating a prohibitive cost for disturbing the status quo, and exacting that cost cannot be done by international institutions. The United Nations is sometimes useful, but it is not an alternative to American power.

In September of 1993, President Clinton declared that ''U.N. peacekeeping holds the promise to resolve many of this era's conflicts.'' Six days later a company of U.S. Rangers under U.N. command was decimated in Mogadishu.

In the last few years, we have had a short but decisive experiment with what Madeleine Albright called ''aggressive multilateralism.'' That experiment has failed miserably and millions of people have been subjected to war and humanitarian failure.

Fourth, Kagan says the ability to take swift, firm, early action against aggressors is the best way to prevent large, protracted, painful action in the future. He argues that tentativeness among great powers is one of the principal causes of war. He analyzed a series of avoidable conflicts and concluded:

> Unwilling to commit themselves clearly and firmly to the price of defending the peace that they so badly wanted to maintain, they had to pay the price of a long, bloody, costly, devastating, and almost fatal war.

The history of this century bears out the truth of that statement. Unable, unwilling to commit ourselves clearly and firmly to the price of defending peace, millions in this world in this century have been subjected to long, bloody, costly, devastating, almost fatal wars.

Defending that peace depends, ironically, on not a defensive but an offensive military capability. A defensive posture, no matter how strong, is not sufficient.

At the beginning of World War II, neither France nor Britain deployed a credible offensive force because the Western leaders and many of their people, again quoting Kagan:

> . . . did not examine their situation objectively and realistically but emotionally and hopefully. They were moved by the horror of war, the fear of its reappearance, and the blind hope that a refusal to contemplate war and prepare for it would somehow keep the peace.

Our concept of cost effectiveness must be deeper and more serious than it often is today. Our choice, our real choice is not between the B–2, for example, and Head Start. Our real decision is between a cutting edge military capable of offensive operations and an unthinkable, immeasurable future cost in American lives and American resources.

Kagan's fifth rule is that democracies are not particularly good at making and keeping these commitments. Kagan comments that they are motivated by ''an ethical system that is commercial, individualistic, and libertarian.'' Their governments are under continual demand to ''satisfy domestic demands at the expense of the requirements of defense.''

That is what we are seeing in the amendment of the Senator from Arkansas and what we have seen year after year in amendment after amendment.

It can lead us to a dangerous situation, because democracies can be handicapped in the maintenance and use of power. They invite challenges, and when those challenges come they are often not fully prepared.

Kagan's final rule is that politicians have always had the tendency to interpret history to fit their budgets, not the other way around. They have a vested interest in the assumption of peace because the assumption of peace matches domestic fiscal need.

These facts of history, of course, are not a strategy by themselves, but they should inform our strategic approach. And I would suggest it is time we had a strategic approach.

Some of the delay in creating a vision for America's role in the world is understandable. We are still emerging

from the conceptual grip of the cold war for four decades that consumed our attention and consumed our creativity, but now the absence of a self-confident American self-image is beginning to create risks. It does not take much imagination to imagine what our threats are. Eighty percent of North Korea's forces are within 100 kilometers of the DMZ. Tensions between India and Pakistan are high. Iran is more assertive. Iraq is unpredictable. Algeria is on the edge of Islamic revolution, threatening Egypt as well. Will there be conflict in Macedonia? Will we face a bad outcome in Russia?

Some of the categories of threats against international stability ought to be evident to all of us: The proliferation of conventional weapons; the disintegration of political order; the proliferation of biological, chemical, and nuclear weapons. All of these threats can be controlled with decisive, aggressive action, but if they are allowed to run their course the consequences would be hard to contain and the costs could be terribly high.

I suggest, Mr. President, that containing the crises that face us in the post-cold-war era depends on two things. First, it depends on American superiority in new weapons, something that is costly to maintain. America, for example, has held the lead in Stealth technology. The price was high—$65 billion over 20 years. No one can now argue that this investment was wasted.

Second, early decisive, decisive American involvement depends on a commitment to act, not just react. We need to aggressively shape the security environments of the gulf area, Asia and Europe, not just respond to crisis after crisis, emergency after emergency. This is the best way to minimize our future commitment.

This presents a challenge. America's lead in military power and technology can easily result, if we are not careful, in complacency. Historically, the United States has made the error of excessive downsizing again and again. Each time has resulted in tragedy, and I fear that we may be starting down that path once more. Never in the history of this country have we successfully downsized after a victorious conflict—never. Each time, we have paid a significant price in terms of the loss of American lives, the commitment of resources that otherwise would not have had to have been committed, the lack of preparedness that had led to the subsequent conflict.

Next year, as has been pointed out, will be the 11th consecutive year of real decline in defense spending. When President Clinton took office, he doubled his projected defense cuts to get deficit reduction without a net increase in domestic spending. We have reduced military personnel by 23 percent. We are headed for a 33 percent cut by 1999. Our military is a third smaller than it was just 10 years ago.

To suggest that the Defense Department has not done its share in addressing the budget deficit or freeing up funds for domestic discretionary spending is factually totally inaccurate. As was pointed out by the Senator from New Mexico earlier, since 1990, defense discretionary spending has decreased 10 percent and all other nondefense discretionary spending has increased 36 percent. In the next 7 years, while defense will decrease $13 billion in real spending, Medicaid will increase $149 billion and Medicare $349 billion. How can we begin to suggest that after 11 years of reductions, after reducing our Air Force and Navy and Marines and Army by a third, defense has not done its share? I ask the Senator from Arkansas to name one program, one Federal program that has cut anything, that has even begun to match what the Department of Defense has done. I doubt that he can.

In October of last year, Anthony Lake from the administration argued, ''The Cassandras attacking our readiness are wrong.'' But just a few weeks later an audit revealed that one-fourth of the Army's active combat divisions were less than combat ready and that one armored brigade and one mechanized brigade, both quick-reaction units, could not carry out their missions on short notice. With projected levels of spending, America could soon be short of the resources to fight on two fronts by 3 army divisions, 6 tactical air wings, 4 carriers, and 40,0005 marines.

Meanwhile, the Pentagon is spending less on new weapons and equipment than at any time in the last 50 years.

Let me repeat that. The Pentagon is spending less on new weapons and equipment than at any time in the last 50 years.

To suggest there is some kind of spending binge going on over at the Pentagon is factually and totally inaccurate. In 1996, the Navy will purchase just three new ships. The Army will not even order one new tank. All four services combined will buy only 20 replacement jet fighters compared to 458 they bought in 1980.

Now, the theory behind this pattern is clear. We are living off the procurement of the Reagan years, weapons that were designed in the 1970's and procured in the 1980's. We are depending on military technology that is already in the pipeline. We are not even spending enough to replace existing equipment before it wears out. We are often preserving force structure by gutting procurement and research and development funds. All this has left us in the early stages of a predictable decline. American forces have more commitments than ever before, but those commitments are not matched by sufficient resources. Our soldiers, sailors, and airmen are asked to patrol more broadly, with decreasing force, while trying to keep acceptable personnel rotations and operations tempo in attempting to prolong the life of older equipment. It is a challenge they meet, but with great sacrifice, and a challenge they cannot meet forever.

The price. The price, as usual, is paid by the men and women who serve their country—a particular concern of mine. Deep cuts have reduced training, put pressure on military pay, forced longer deployments. This has encouraged many able people to leave and has weakened the spirit of those who remain.

In Armed Services hearings before our committee, and in discussions with personnel around this country and the world, I have heard a number of disturbing reports—snapshots of the military on the verge of a serious problem. Last year, in order to stretch its forces, the Navy started gapping its presence in the Mediterranean, the Persian Gulf and the Western Pacific. For a third of each year, two of those theaters will have no aircraft carrier.

Since Navy officials were short last year of $300 million in operations funds——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. Since Navy officials were short last year of $300 million in operations funds due to increased tempo of operations, they reduced flying hours for squadrons aboard carriers. Marines getting home from a 6-month deployment to Somalia aboard the USS Inchon were sent to Haiti 12 days after they reached home.

One general reports, ''Strategic lift in this country is broken right now.'' He warns that most U.S. military capability would not begin to arrive at a regional conflict for 3 months after it began. Yet the administration pretends the charade that it has a military capability to respond to two major regional crises at nearly the same time.

The Marine Corps is using 50-year-old canvas tents and wearing boots from the Korean war era. These instances are isolated, but they are not uncommon. They represent an emerging trend. The inspector general of the Marine Corps commented to me, ''At some point in the near future, the current funding strategy will ultimately undermine the corps' ability to meet warfighting and peacetime presence requirements.'' It is the same story in every branch.

Mr. President, in conclusion, the reason that we must be concerned is simple. We cannot afford as a nation to repeat the patterns of the past, a pattern of American withdrawal followed by major costly commitments. We need the ability to consistently shape our strategic future, not just to respond when it falls in disorder. And that requires both readiness and continued technological advances.

There is no simple formula for avoiding war, but some things clearly do not

work. Again, Donald Kagan observed, ''Good will, unilateral disarmament, avoidance of alliances, teaching and preaching the evils of war are of no avail.'' Denying our leadership and power will not keep the peace. The peace is kept by ''active effort, planning, the expenditure of resources, and sacrifice.'' It is reinforced by the possession of superior force and the will to use it skillfully.

It was World War I poet Siegfried Sassoon who said 76 years ago, ''Look down, and swear by the slain of war that you'll never forget.'' We best preserve that memory by recalling how war is prevented. It is not a task for the weak. It rests on a large vision of our Nation's role. And it involves the inescapable necessity of American leadership.

We can save money by shirking from this duty. Yes, we can. But we will not in the long run save the peace or save American lives. Kagan concludes in his ''On The Origins of War,'' with a warning:

> The United States and its allies, the states with the greatest interest in peace and the greatest power to preserve it, appear to be faltering in their willingness to pay the price in money and the risk of lives. Nothing could be more natural in a liberal republic, yet nothing could be more threatening to the peace they have recently achieved.

This is worth remembering in this debate.

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

Mr. COATS. There will be no excuse. Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Let me say, the Senator from Indiana has said, name one program that suffered with the cuts that defense has taken. I am sorry I did not prepare for that particular question. But let me tell you why I am up here today. Right here on this chart—and figures do not lie; liars can figure—defense goes from $264 billion this year, goes up every year, to $280 billion in the year 2002.

Where are they suffering in all these big budget cuts?

Mr. COATS. Will the Senator yield on that point?

Mr. BUMPERS. I will be happy to yield.

Mr. COATS. If the Senator had incorporated figures from 1985 to the present, you would see an entirely different picture. By drawing the line at what might happen in the next 5 years, you are ignoring what happened in the last 10 years. There has been a dramatic decrease in real dollars in defense spending for the last 10 straight years. But that is not on the Senator's chart.

Mr. BUMPERS. In the next 7 years, they will more than make up. You said ''Name one program.'' I will name them.

Mr. COATS. Taking cuts in defense.

Mr. BUMPERS. Nondefense discretionary spending. Of all the spending cuts over the next 7 years, poor little old nondefense, domestic discretionary spending—education, health care, law enforcement, you name it—takes 43 percent, 43 percent of the total spending cuts over the next 7 years.

The Senator said this is not about B–2 versus Head Start. That is precisely what it is about. I supported the B–2 much longer than I should have. For years I voted faithfully for it. I voted for the Trident submarine, the F–15's, the F–16's, the F–18's, the F–111's, the F-B–111's, the F–117's, you name it. I voted for all of them. And I tried to cut a few, too.

I have stood at this desk for 20 years saying, for example, that we ought not to bring 40 rust-bucket battleships out of mothballs. Boy, the herd of instincts flew through here. The ''evil empire'' was about to come up the Potomac and get us. We even bring battleships out of mothballs, the ones the Japanese surrendered 50 years ago on, and we spent almost $2 billion on them. What do you think happened? They floated the high seas for 2 years and we put them back in mothballs. But our $2 billion is gone. You could not say anything here without being considered a dove.

Senator DOMENICI told you a moment ago what all would go up. He did not tell you what would go down. What will go down is $250 billion a year in taxes—$250 billion over the next 7-year period for people who make over $100,000 a year. They get 75 percent of it. Is that where this country's values are? We are going to cut Medicare for the elderly $270 billion and cut taxes by $250 billion.

He told you about nondefense discretionary spending. I just got through telling you that will take—that nondefense discretionary spending is going to absorb 43 percent of all the cuts. And in the year 2002, nondefense domestic discretionary spending will fall to 2.4 percent of our economy, the lowest since 1954.

The Senator from Georgia said this same amendment was brought up on the budget resolution. And it was. But it was one of those amendments that could not be debated. You just had to throw it out and let people vote on it. And on that same budget resolution, incidentally, that came out of the Senate and went to conference, you know what happened to it in conference? It came back with $33 billion tacked onto it from the time it left the U.S. Senate.

We gave in to the House on everything and added $33 billion to the budget resolution after it left the Senate.

Year after year, as I stood here and said, ''Don't bring those old battleships out of mothballs,'' and a host of other things, I always got run over like a Mack truck. And here I am again. I always come back hoping that somebody across America might be paying attention, might even be listening.

But the argument always was, ''The Secretary of Defense wants this,'' ''The President wants it,'' ''The Joint Chiefs want it.'' And this year I say the Secretary does not want it, the President does not want it, and the Joint Chiefs do not want it. And the argument on the other side is, ''Well, what do they know?'' It does not make any difference what you do, whether you want it or do not want it, you get it.

Mr. President, this ought to be compelling. It ought to be absolutely compelling. The figures are stark. They are staggering. I told the Senator from Georgia awhile ago, I do not have anything to lose. I know how many votes we are going to get on this and how we are going to come out on it. It is going to be years before this U.S. Senate is going to listen to this kind of argument. I only pray that it will not be too late.

So, Mr. President, let me just close—and I am prepared to yield back my time and let the Senator make his point of order.

Mr. DOMENICI. Might I ask Senator BUMPERS a question?

Mr. BUMPERS. Yes.

Mr. DOMENICI. How much time does the Senator have remaining?

The PRESIDING OFFICER. The Senator has 1½ minutes remaining.

Mr. DOMENICI. We are out of time. I wonder if the Senator will object to my taking 30 seconds at this point, and then I will make the point of order.

Mr. BUMPERS. I yield the Senator 30 seconds of my time.

The PRESIDING OFFICER. The Senator yields to the Senator from New Mexico 30 seconds.

Mr. DOMENICI. Mr. President, I think with reference to the years 1995 to 2002, the Senate should know that in 1995, we will spend $270 billion on defense, and in 2002, we will spend $271 billion—$1 billion higher 7 years later, almost 8 years later.

The numbers the Senator is using have to do with ups and downs in between. The truth of the matter is, we entered this budget period at $270 billion; we leave it at $271 billion.

I thank the Senator for the 30 seconds.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, my chief cosponsor on this amendment is Senator SIMON, who happily has laryngitis, so I get to do all the talking. My cosponsors are Senators WELLSTONE, MOSELEY-BRAUN, KOHL, and FEINGOLD. I am prepared to yield back such time as I have remaining.

The PRESIDING OFFICER. The Senator yields back his time.

Mr. DOMENICI. Mr. President, the pending amendment contains matters within the jurisdiction of the Senate Budget Committee. Pursuant to section 306 of the Congressional Budget Act, I raise a point of order against the pending amendment.

MOTION TO WAIVE THE BUDGET ACT

Mr. BUMPERS. Mr. President, I move to waive the Budget Act for purposes of the Senate's consideration of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive section 306 of the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

(Disturbance in the galleries.)

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the gallery. The clerk will resume calling the roll.

The legislative clerk resumed the call of the roll.

The result was announced—yeas 37, nays 63, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—37

Akaka	Feingold	Moseley-Braun
Baucus	Harkin	Moynihan
Biden	Hatfield	Murray
Bingaman	Hollings	Pell
Boxer	Jeffords	Pryor
Bradley	Johnston	Reid
Breaux	Kennedy	Rockefeller
Bumpers	Kerry	Sarbanes
Byrd	Kohl	Simon
Conrad	Lautenberg	Specter
Daschle	Leahy	Wellstone
Dodd	Levin	
Dorgan	Mikulski	

NAYS—63

Abraham	Ford	Lugar
Ashcroft	Frist	Mack
Bennett	Glenn	McCain
Bond	Gorton	McConnell
Brown	Graham	Murkowski
Bryan	Gramm	Nickles
Burns	Grams	Nunn
Campbell	Grassley	Packwood
Chafee	Gregg	Pressler
Coats	Hatch	Robb
Cochran	Heflin	Roth
Cohen	Helms	Santorum
Coverdell	Hutchison	Shelby
Craig	Inhofe	Simpson
D'Amato	Inouye	Smith
DeWine	Kassebaum	Snowe
Dole	Kempthorne	Stevens
Domenici	Kerrey	Thomas
Exon	Kyl	Thompson
Faircloth	Lieberman	Thurmond
Feinstein	Lott	Warner

The PRESIDING OFFICER. On this vote, the yeas are 37 and the nays are 63. Three-fifths of the Senators present and voting having voted in the negative, the motion to waive the Budget Act is rejected.

The pending amendment No. 2115 contains matter within the jurisdiction of the Committee on the Budget, and therefore violates section 306 of the Congressional Budget Act. The point of order is sustained. The amendment falls.

Mr. THURMOND. 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. As I understand, the Senator from Arizona, Senator MCCAIN, is prepared to accept the 20 minutes equally divided time agreement; so I ask unanimous consent that Senator MCCAIN be recognized to offer his amendment regarding the Olympics, and there be 20 minutes equally divided prior to a motion to table, and that no second-degree amendments be in order prior to the vote on the motion to table.

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

Mr. DOLE. After that, as I understand it, the Senator from Vermont is prepared; if not, the Senator from Wisconsin is prepared to proceed.

Mr. LEAHY. I am prepared to proceed under a time agreement. I believe it is similar to the one—I must admit, I was distracted on the one you gave about the Senator from Arizona, but it sounds about the same.

Mr. DOLE. We will do the amendment of the Senator from Wisconsin first, then.

Following disposition of the McCain amendment, Senator KOHL be recognized to offer his amendment; that he have 1 hour and 15 minutes, and 15 minutes on this side.

Mrs. BOXER. Reserving the right to object——

Mr. DOLE. No second-degree amendments will be in order.

Mrs. BOXER. Reserving the right to object, I will not object. I just had a question for the majority leader.

I have an amendment that has been cleared on both sides. I only need 5 minutes on my side to describe it. If we could work that in sometime soon, I would be very grateful to the Senator.

Mr. DOLE. Will there be a rollcall vote?

Mrs. BOXER. I would like a rollcall, but it could be stacked at any time that managers feel is a good time to stack.

Mr. NUNN. We need to take a look at that amendment. I believe it is probably cleared on both sides. We can get to them quicker if there is not a rollcall vote.

Does the Senator from California have to have a rollcall vote?

Mrs. BOXER. Yes; I have been working on it for a year and a half.

Mr. NUNN. We will look at it.

Mr. LEAHY. Mr. President, reserving the right to object, I shall not object, but if I may have the attention of the majority leader.

The question was asked earlier by the majority leader, and I am willing to go forward on my amendment, following the Senator from Arizona, under the same time agreement. I just had a chance to read the agreement made with the Senator from Arizona. I advise the distinguished majority leader that I am happy to follow him with a similar agreement.

The PRESIDING OFFICER. Is there objection to the request on the Kohl amendment by the majority leader?

Without objection, it is so ordered.

Mr. NUNN. Mr. President, I believe the amendment of the Senator from California has been cleared on both sides. I believe she wants 5 minutes of discussion. I do not think we will need over 1 minute, so we could get a unanimous-consent to have that in order, with about 6 minutes on it, and have a rollcall vote. We could do that, and perhaps even have a 10-minute rollcall vote after, following either the Kohl rollcall or the McCain rollcall.

Mr. DOLE. We will work that out if we can.

What is your time agreement?

Mr. LEAHY. Mr. President, the request for 20 minutes evenly divided in the usual order. I would accept that, to follow after the Senator from Arizona and the Senator from California.

Mr. DOLE. There may be a second-degree amendment to yours. Is that a problem?

Mr. LEAHY. My understanding is that there be no second-degree in order prior to a motion to table. Obviously, if the motion to table is lost, they reserve their rights.

Mr. DOLE. Can I get back to the Senator from Vermont?

Mr. LEAHY. I am just trying to be helpful.

Mr. DOLE. So, following the debate on the Kohl amendment, but prior to the vote, we will take up the amendment of the Senator from California, Senator BOXER; 10 minutes equally divided. Then we will have back-to-back rollcall votes.

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

The Senator from Indiana.

Mr. COATS. Mr. President, as someone who has been engaged in attempting to move this bill forward, I would hope Members will accept reasonable time agreements. We have been working long days and long nights for a lot of weeks now. Most of us have not been home with our families for meals for weeks, and the Senate is going to be in session tomorrow. We take up the welfare debate next week, which will be a long week.

If there is a way we can avoid the time it takes to have rollcall votes on amendments that are already accepted, or if there is a way that Members can reduce the amount of time they speak on issues that have been debated over and over and over, time after time after time, and everybody knows how they are going to vote, I think everybody would appreciate that.

My experience is that no matter how articulate and eloquent my speeches might be—and they are not all that articulate and eloquent—it does not change any votes. So to the extent any of us can summarize our arguments, realizing that no matter how passionate or eloquent they might be, it is probably not going to do anything except make us more tired and irritable and probably produce more votes against us than when we started speaking. I hope everybody, in the interests of those of us who have families at home and would like to see them once in a while, could take those situations into their consideration.

To the extent we can move along with these bills and people can summarize their statements in the interests of providing some comity for their colleagues, I would certainly appreciate that and I am sure others would also.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. For the information of all Senators, I think it would be helpful if the President might give us the sequence, now, as was just agreed to in the unanimous consent. Is it my understanding the McCain amendment will be followed by the Boxer amendment to be followed by the Kohl amendment?

The PRESIDING OFFICER. McCain, Kohl, Boxer.

Mr. DASCHLE. And the McCain amendment has 20 minutes with a rollcall and then the Kohl amendment is an hour with a rollcall and then the Boxer amendment is 6 minutes with a rollcall after that?

The PRESIDING OFFICER. The Kohl amendment has a total of an hour and a half for debate.

Mr. DASCHLE. So there will be a rollcall in 20 minutes, is that correct?

Mr. NUNN. Mr. President, if I could say to the leader, I believe the order provided the McCain amendment would be disposed of, then the Kohl amendment would be taken up and debated. Before the Kohl vote, the Boxer amendment would be taken up and debated, and then we would vote on Kohl and Boxer after that.

So as I understand it, we will dispose of the McCain amendment first. Then we will have debate on the Kohl amendment and then we will have the debate on the Boxer amendment and we will vote on those two amendments after that. That is my understanding.

Mr. STEVENS. Will the Senator yield?

The PRESIDING OFFICER. That is the understanding of the Chair.

The Senator from Alaska.

Mr. STEVENS. Mr. President, if I might make a suggestion, if we could take Boxer after McCain, we could have a vote here on those two amendments in about 1 hour and then have another vote in an hour and a half, after the others? I only say that because I know there are a substantial number of us who are going to be leaving here very soon.

Mr. NUNN. I have no objection to that. The majority leader entered into the agreement. I think it probably needs to be cleared with him.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I suggest we could save more time if we went ahead with the unanimous-consent agreement, which I believe is my amendment. Keeping in mind the admonition of my dearest friend, Senator COATS of Indiana, I will try to be very brief, because it is a very simple issue. Since we have just 10 minutes on each side, I will be very brief.

AMENDMENT NO. 2116

(Purpose: To mandate the money made available to the Department of Defense and used for civilian sporting events be reimbursed to the Department of Defense)

Mr. McCAIN. I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], proposes an amendment numbered 2116.

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

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

The amendment is as follows:

At the appropriate place in the Act, add the following new section:

SEC. . CIVILIAN SPORTING EVENTS.

(a) No funds made available to the Department of Defense may be expended either directly or indirectly to support civilian sporting events, including but not limited to the World Cup Soccer Games, the Goodwill Games, and the Olympics, until the Secretary of Defense enters into an agreement with the appropriate entity or affiliated entity or entities and certifies that such funds will be reimbursed to the extent available to the Department under terms and conditions established by the Secretary of Defense, and that such terms shall—

(1) not mandate any reimbursement until after the event is complete and all event-related contractual obligations have been met by the entity; and

(2) such reimbursement shall not exceed surplus funds available.

(b) For the purposes of this Section, paragraph (a) shall be null and void and of no effect if the entity or entities with which the agreement was made have no surplus funds after all other contractual obligations have been met.

(c) SURPLUS FUNDS DEFINED.—For the purpose of this section, the term ''surplus funds'', with respect to an organization sponsoring a sporting event, means the amount equal to the excess of—

(1) the total amount of the funds received by the organization for the event other than revenues derived for any tax, over

(2) the total amount expended by the organization for payment of all of the costs under the organization's contractual obligations (other than an agreement entered into with the Secretary of Defense under this section) that relate to the event.

Mr. McCAIN. Mr. President, this amendment is extremely simple. We have been through it before. It is something that I find very difficult to understand, why that would not make sense to most Members of this body. It is simply that any money—not just on the Olympics in Atlanta—any money that is spent by the Department of Defense for a civilian sporting event be reimbursed to the Department if the event makes a profit.

I want to emphasize that about five times, if I might. The reimbursement to the Department of Defense for money that is spent out of the Department of Defense would only be reimbursed if the event made a profit.

I do not understand the argument that the Olympics are a wonderful thing, because they are; and that they need security, because they do. One thing I still have been unable to figure out is that I am told by the opponents of this legislation, primarily, and understandably the two Senators from the State of Georgia, they do not know, they are not going to be able to tell whether they make a profit or not.

If they cannot figure out whether they make a profit or not, they sure as heck should not have gotten the Olympic games. I have done a little research. Every other Olympic games have, at the end of it, been able to figure out whether they had a profit or loss. And why Atlanta seems incapable of doing so staggers the imagination.

The Los Angeles Olympics made $222 million; ABC has agreed to pay $225 million in serving as host broadcasters. They did at the Los Angeles Olympics. There is a U.S. Mint coin program that has made $147 million.

I have a great quote from ''Making It Happen,'' the story of the Los Angeles Olympics.

> There was always concern that someone could stand up in Congress and demand that the committee reimburse the Federal Government its security and other expenditures on the games. This ran at least $30 million for security alone and could have been estimated as high as $68 million overall. I believed then as I do now that there are many important programs much more deserving of Government support than a sports event.

''Made in America,'' by Peter Ueberroth.

Mr. President, what this is all about simply is that this Olympics, if it does not make a profit, will not be required to reimburse the taxpayers of America. This does not have anything to do with any reluctance to provide the security that is necessary for these Olympics. We do not have to hear again about the tragedy of Munich. We are all aware of that. And I believe that the taxpayers of America deserve to be reimbursed if the games make a profit. If not, I certainly will not seek that.

Mr. President, I reserve the remainder of my time.

Mr. President, I ask that notwithstanding the previous consent, the Boxer amendment be in order following the McCain debate and the votes then occur back-to-back—courtesy of the Senator from Alaska.

The PRESIDING OFFICER. Is there objection?

Mr. COHEN. Reserving the right to object, I inquire whether or not, between the votes, after the vote on the McCain amendment, I be allowed to offer an amendment that has been agreed to?

Mr. McCAIN. Does the Senator from California seek a rollcall vote on her amendment?

Mrs. BOXER. The Senator from California does, in fact, seek a rollcall vote.

Mr. McCAIN. I repeat my unanimous consent request, Mr. President. I ask, notwithstanding the previous consent agreement, the Boxer amendment be in order following the McCain debate, debate on the McCain amendment, and the votes then occur back to back.

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

Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Virginia has control of the time.

Mr. WARNER. Mr. President, it is my understanding that the distinguished Senator from Arizona will control the time on this.

Mr. McCAIN. I only have 10 minutes. I spoke for about 5. Now I believe it is the other side's turn to speak.

Mr. WARNER. For purposes of control in favor of the amendment, you control the time.

Mr. McCAIN. I am speaking for the amendment.

Mr. WARNER. I understand that.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Georgia control the time on the amendment.

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

The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in opposition to the amendment. As my good colleague from Arizona noted when he began his remarks, we dealt with this before and, therefore, he would be brief. He is correct. We dealt with this last year, and his amendment was defeated 77 to 21. It was defeated for several reasons.

One, there is an understanding that there are facilities and capacity that the Department of Defense must provide for the security of the U.S. Centennial Olympics, which will occur in Atlanta, GA, in less than a year. It was defeated because it was interloping on 4 years of contract and arrangement. And it was thought at that time, which was 2 years before the Olympics, that it was too late to intervene and contravene and disrupt the very intricate process of DOD security as provided to our guests—12,000 athletes, 196 countries, with venues occurring in five separate States and 31 villages. It was defeated for that reason.

Here we are a year later, less than 1 year before the flame is lit in Atlanta, GA, and we have the same amendment back. It was not acceptable a year ago; it certainly is not acceptable today.

The amendment deals with more than reimbursement. The first section of the amendment says no funds may be expended to the various events, including the Olympics, until the Secretary of Defense has entered into an agreement with the various entities involved. That means that no funds could be expended, no security and preparation of this international event of this magnitude until the Department of Defense has entered into an agreement with 43 separate jurisdictions—States, counties, municipalities, et cetera.

If this amendment is adopted, it would bring the security apparatus envisioned—and which all of us know needs to be in place—to a standstill. We all know the process that would be underway in terms of trying to deal with this and the agreements that would have to be sought and concluded and the morass that would surround it.

Mr. President, in addition, the amendment removes the accounting procedure. Vast expenditures would be called upon by the Olympics—employee wages, upkeep of the facilities, maintenance, electric bills, which would fall outside what would be in the accounting process.

The point is, in sum and short, the Department of Defense is the only facility and capacity that can provide the very special security requirements. This will disrupt that process and it should be an effort that is entirely proactive. It would bring the security process to its knees.

Mr. President, I yield the remainder of my time to my distinguished colleague from Georgia.

Mr. NUNN. I thank my colleague from Georgia.

Mr. President, I would just say very briefly, and reserve the remainder of my time, that there are three problems with this amendment. It does look like a simple amendment. I know the Senator from Arizona is sincere in his efforts to try to save money for the Federal Government.

One of the problems with this amendment—and there are three main problems. First of all, it will not work. It is an accounting nightmare. We would have to basically call off the security for a period of weeks or perhaps months while a team of lawyers and accountants went down and negotiated not only with the Olympic committee but with many different jurisdictions, as my colleague from Georgia pointed out.

So the first problem is it is not workable with an entity like the Olympics that is operating in five States in many different local jurisdictions, that is not intending to make a profit, that is putting up a huge number of buildings and structures that would have to have an amortization table set up because they are going to be turned over to local entities afterwards. How can you determine a property in those circumstances?

The second problem is it is not going to save the Government any money. They do not intend to make a profit. If they see they are going to have a surplus toward the end of the games, they are going to try to put it back into the games. I have been told that over and over and over.

The third problem with it is it will probably cost the Government money. How would it cost the Government money if we adopt this and it became law? It would cost the Government money because this amendment says very clearly that no reimbursement would take place until the event is complete. Right now the agreement that has been worked out with DOD is that anything that is not related to the security is reimbursed immediately.

So DOD does some things that are not security related that get reimbursed. They have already reimbursed the Government something like $55,000. It will probably be something in the neighborhood of $1¼ million to $1 million before it is over. So this amendment, intending to save money, will end up, in my view, costing money because there will be no excess.

The other problems—the big problem is what State and local governments do. Our States are putting at least $35 million or $40 million in. There will be events in Tennessee. Tennessee is going to be spending money. Once we adopt this, each State is going to say, ''We want to get reimbursed for our costs before the Federal Government.'' I do not know how that will play in this amendment. Perhaps someone could explain it.

So this amendment is simply not workable. It will not save the Federal Government any money. It would reverse the precedent we have had over and over again.

Mr. President, this is what is at stake here. We have 195 countries, 100 heads of state, 15,000 athletes and officials, 15,000 media representatives, 25,000 Olympic family and VIP's, 12 million tickets, 350,000 visitors per day, 3,000 hours of TV coverage, 3 billion viewers around the world. That is what is at stake.

How much would Germany have paid for the security to prevent the slaughter that took place by terrorists at Munich in 1972? Do we want to nickel and dime security and have the ACOG committee, knowing they may be called on for some kind of cost accounting nightmare reimbursement and then negotiate with our military to see what we need in terms of chemical warfare specialists, what we need in terms of people who know about biological warfare, what we need it terms of communications?

Mr. President, we do not want that for the Olympics. We do not want a black eye for the Olympics. We do not want to cut security to the bone and then end up with some tragedy or some great embarrassment.

So I urge the rejection of the amendment and reserve the remainder of the time.

Mr. McCAIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Arizona has 5 minutes 42 seconds, and the Senator from Georgia has 2 minutes 22 seconds.

Mr. McCAIN. Mr. President, I yield myself 3 minutes.

Mr. President, I had hoped that 1972 would not come up again in this debate. No one, no one, no one believes that 1972 should ever come up again. And to relate the tragedy of 1972 and what happened in Munich when the terrorist attack took place on a request which I think is reasonable—and reasonable people can disagree; if the Olympics make a profit, they reimburse, of course—it is just hard for me to understand.

The senior Senator from Georgia said it would be an accounting nightmare. I believe that the people of America who invest sizable amounts of money—not just in defense—they have the right to know whether this Olympics makes a profit or a loss.

As I said, I have done research of every single Olympic game that has been held in the United States. They come out with a profit or a loss as any other enterprise would. I am shocked to hear that it is impossible for the Olympic games to figure out whether or not they make a profit or a loss. I am shocked.

With the appropriate legislation, if there are Federal funds involved with the Olympics, I am going to propose some kind of amendment that the American people have an accounting. I do not think that is unreasonable.

I would like to congratulate the two Senators from Georgia. They are for the Olympic games for the first time for which there is no accounting.

The second thing is they do not intend to make a profit. If they do not intend to make a profit, then we should adopt this amendment by unanimous consent agreement by voice vote because then they do not have a problem. If the senior Senator from Georgia is convinced that they are not going to make a profit, then he does not have to worry about this amendment.

Why is he debating against it? In his words, they do not intend to make a profit. That is their option. But the American people deserve an accounting.

As far as the cost to the Government to be reimbursed immediately, all I can say is that if we are talking about as much as $20 million to be spent, $10 million last year and $10 million this year, I think the American people deserve to be reimbursed if this enterprise makes a profit.

Obviously, it has nothing to do with the 1972 tragedy in Munich, and I do not believe that cost considerations would drive any organization to reduce the security required to make sure, to make every effort possible so that the Olympic games would be made safe and secure.

I reserve the remainder of my time.

Mr. COVERDELL. I yield 1 minute to the distinguish Senator from Utah.

Mr. BENNETT. I thank the Chair.

In concept, I have no problem at all with the amendment offered by the Senator from Arizona. Having been in business, however, I have discovered that there are profits and there are profits. I remember in the Los Angeles Olympics, I was living in Los Angeles at the time. There were divergences of as much as $100 million as to the amount of profit made by that Olympic games, depending on who was doing the accounting.

His amendment does not specify how that is going to work or where we are going to determine the profit or what is going to be charged or what is not. All of that is going to have to be worked out.

Second, the same issue applies to the question of costs, the costs to the Department of Defense. Again, having been a businessman, I know there are differences between costs and costs. I am told by the Defense Department that they look forward to this opportunity because it gives them a training opportunity for troops that will train in a real-life situation.

Where would the money be spent if it was not spent while they were at the Olympics? I was interested in an amendment that says incremental costs only that spells out the kind of problems. The amendment of the Senator from Arizona, in my opinion, is flawed.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to help out the Senator from Utah. The exact amount of money in profit from the Los Angeles games, according to all, including the head of the Olympic games, Mr. Ubeberroth, was $22,716,000. No one questions that.

As far as the training opportunity, putting up fences is not exactly the training opportunity that we want for most of our men and women in the military. Regularly, when costs are incurred by the Department of Defense, they send bills to entities and organizations.

And finally, I would like to congratulate the Senator from Utah for the selection of the city of Salt Lake for the Olympics.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, how much time remains for the opponents?

The PRESIDING OFFICER. One minute of time for the Senator from Georgia and 2 minutes and 16 seconds for the Senator from Arizona.

Mr. COVERDELL. I yield myself the remainder of the time.

Mr. President, we are not talking about building fences. We are talking about physical security for athletic villages, an entire communications grid that only DOD can put in place, a command coordination, providing site surveys, aerial visitations. It goes on and on.

Mr. President, I wish to repeat, we are less than 1 year from the lighting of the flame. There are 43 separate jurisdictions. This amendment shuts it all down with less than 1 year to go while we would enter into 43 separate negotiations on contracts. If this amendment were to prevail, it will literally shut down the planning for security for one of the world's greatest events, for which there will be an assembly like none has ever occurred and it will be in the United States of America.

The PRESIDING OFFICER. The time has expired.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 2 minutes 15 seconds.

Mr. McCAIN. Mr. President, I believe that the Atlanta Olympic Committee has made agreements with a lot of different organizations for services that are provided for the Atlanta Olympics. For example, I am sure they have made an agreement with the post office for mail delivery. I am sure they have made an agreement with many other commercial organizations. I am convinced that they could do the same thing with the Department of Defense; that after there is a final accounting, upon the completion of the Olympics, the American people deserve to know what the profit and loss was, that we could then consider reimbursing the Department of Defense.

If the two Senators from Georgia are convinced there is not going to be a profit, then they should not have a problem at all with this amendment. If they think they might make a profit, I can assure them that only after there would be a final accounting would a profit be divided up. I would even be willing to have a certain percentage of the profits go back to reimburse the Department of Defense, if not all.

The reason why I do this, Mr. President, finally, is because time after time after time we find ways to spend taxpayers' dollars that are earmarked for defense on issues and areas and programs that have nothing to do with defense. This is just one of hundreds of examples. This really does not have anything to do with national defense. It has to do with providing security for the Olympic games, which are fine. But it has nothing to do with defending this Nation's vital national security interests. That is why, as I say, only if there were a profit should we reimburse the taxpayers of America.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I move to lay the McCain amendment on the table.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be taken after debate on the Boxer amendment. The amendment is temporarily laid aside.

The Senator from California is recognized.

AMENDMENT NO. 2117

(Purpose: To provide a substitute for section 526, which amends a provision of the Uniform Code of Military Justice relating to forfeiture of pay and allowances and reduction in grade)

Mrs. BOXER. I thank the Chair.

This will be a very brief debate because I think there is very broad agreement on this issue. However, I thought it was important to take just a few moments. I think the Senate will be very proud to vote for this amendment because we are going to put an end to a most outrageous policy that has gone on really without the knowledge of many of us. It is one of those issues that has gotten buried over the years.

Late last year, I learned from a series of articles in the Dayton Daily News that military personnel convicted of heinous crimes continue to be paid while they appeal their convictions through the military court system, a process that often can take many years.

According to data, the Department of Defense spends about $1 million each and every month, $1 million a month, on the salaries of more than 600 convicts. In 1 month, the Pentagon payroll included 58 incarcerated rapists, 164 child molesters, and 7 murderers.

The individual stories of military criminals continuing to receive full pay are shocking. In California, a marine lance corporal who beat his 13-month-old daughter to death almost 2 years ago receives $1,105 every month—more than $25,000 since his conviction. He spends his days in the brig at Camp Pendleton and refuses to pay a dime of child support.

I spoke with the murdered child's grandmother who now has custody of the surviving 4-year old grandson. She is a resident of northern California and was justifiably outraged to learn that the murderer of her grandchild still receives full pay, and that is what this amendment is going to end.

Mr. President, I can stand here for hours, and you know that I will not do so but, rather, in the next couple of minutes will share a couple other cases.

The lieutenant colonel who raped young girls in a church basement has been paid more than $150,000 since his conviction. I can tell you about the Air Force sergeant who tried to kill his wife with a kitchen knife and is still paid $1,100 a month. From inside his prison cell, he reads the Wall Street Journal and watches his taxpayer-funded nest egg grow. He told the Dayton Daily News, ''I follow the stock market, and I buy EE bonds.''

When I first learned that hundreds of violent criminals remained on the Pentagon payroll, I immediately wrote to Secretary Perry to demand an end to this outrageous practice. The Secretary quickly notified me of the support for changing the policy. He established a working group to propose the necessary legal changes.

I introduced legislation to prohibit pay for military convicts on March 16, and my bill quickly attracted 19 bipartisan cosponsors. I am very grateful for their support. The ranking member of the committee, Senator NUNN, offered a number of helpful suggestions to improve my proposal, as did the chairman of the Personnel Subcommittee, Senator COATS.

I wish to thank each of them for their good work and constructive advice on this issue. I would say that the Armed Services Committee on both sides of the aisle was very supportive. They held a hearing. We all rolled up our sleeves, and we got to work. The bill addresses this issue. The only difference with the Boxer amendment is we end the pay in a quicker timeframe.

This amendment has been cleared on both sides. Again, I want to say to my friends on both sides of the aisle, thank you very much. I think we will be proud today that we end this unconscionable practice.

I yield the floor.

Mr. COATS. Will the Senator from California yield?

Mrs. BOXER. I will be happy to yield whatever time.

The PRESIDING OFFICER. Will the Senator from California send the amendment to the desk?

Mrs. BOXER. I believe the Senator's amendment is at the desk already.

Mr. President, I will ask for the yeas and nays. Then I will be glad to yield.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. HARKIN, and Mr. BRADLEY, proposes an amendment numbered 2117.

Mrs. BOXER. I ask that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 189, strike out line 5 and all that follows through page 191, line 21, and insert in lieu thereof the following:

SEC. 526. FORFEITURE OF PAY AND ALLOWANCES AND REDUCTION IN GRADE.

(a) EFFECTIVE DATE OF PUNISHMENTS.—Section 857(a) (article 57(a)) is amended to read as follows:

''(a)(1) Any forfeiture of pay, forfeiture of allowances, or recuction in grade included in a sentence of a court-martial takes effect on the earlier of—

''(A) the date that is 14 days after the date on which the sentence is adjudged; or

''(B) the date on which the sentence is approved by the convening authority.

''(2) On application by an accused, the convening authority may defer any forfeiture of pay, forfeiture of allowances, or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. The deferment may be rescinded at any time by the convening authority.

''(3) A forfeiture of pay or allowances shall be collected from pay accruing on and after the date on which the sentence takes effect under paragraph (1). Periods during which a sentence to forfeiture of pay or forfeiture of allowances is suspended or deferred shall be excluded in computing the duration of the forfeiture.

''(4) In this subsection, the term 'convening authority', with respect to a sentence of a court-martial, means any person authorized to act on the sentence under section 860 of this title (article 60).''.

(b) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR ONE YEAR OR MORE.—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following new section (article):

''§ 858b. Art. 58b. Sentences: forfeiture of pay and allowances.

''(a) A sentence adjudged by a court-martial that includes confinement for one year or more, death, dishonorable discharge, bad-conduct discharge, or dismissal shall result in the forfeiture of all pay and allowances due that member during any period of confinement or parole. The forfeiture required by this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred in accordance with that section.

''(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.''.

''(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VIII of such chapter is amended by adding at the end the following new item:

''858b. 58b. Sentences: forfeiture of pay and allowances.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

The PRESIDING OFFICER. Does the Senator request the yeas and nays?

Mrs. BOXER. Yes, I did.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California has 1 minute 10 seconds.

Mrs. BOXER. I will be pleased to yield to my friend, Senator COATS.

Mr. COATS. I thank the Senator. I will just take 30 seconds.

Senator BOXER worked carefully with the committee on this proposal. While the committee language was slightly different from what the Senator's amendment proposes here today, it simply accelerates the time in which the Department has to effect the change. It is acceptable to the committee. We appreciate the Senator working with us on this, and we support this amendment.

I thank the Senator.

Mrs. BOXER. I thank my friend.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I urge the adoption of the amendment by the Senator from California. I congratulate her on her leadership in bringing this to the attention of the Department of Defense Armed Services Committee. This reaffirms a provision that the bill now has in it precluding pay for military prisoners who are sentenced to extended confinement. I believe that term is defined as ''over 1 year.'' I also believe it changes the appeal time before the actual compensation is cut off. The bill has 21 days. This has 14 days after conviction.

This is an abuse that has gone on too long. It was not brought to the attention of our committee or the Department of Defense.

I congratulate the Senator for his leadership.

I urge its approval.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. I yield my time back, Mr. President.

The PRESIDING OFFICER. Does the Senator from Georgia yield back his time?

Mr. NUNN. Has the Senator from Indiana used all the time he needs?

Mr. COATS. Yes. We yield back our time.

Mr. NUNN. I yield back the time.

VOTE ON MOTION TO TABLE AMENDMENT NO. 2116

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to table the McCAIN amendment No. 2116.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 80, nays 20, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—80

Akaka	Exon	McConnell
Baucus	Faircloth	Mikulski
Bennett	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Frist	Murkowski
Bond	Gorton	Murray
Boxer	Graham	Nunn
Bradley	Gramm	Packwood
Breaux	Grassley	Pell
Bryan	Harkin	Pressler
Bumpers	Hatch	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Cochran	Inouye	Santorum
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Shelby
Coverdell	Kempthorne	Simon
Craig	Kennedy	Simpson
D'Amato	Kerrey	Snowe
Daschle	Kerry	Stevens
DeWine	Leahy	Thompson
Dodd	Levin	Thurmond
Dole	Lieberman	Warner
Domenici	Lott	Wellstone
Dorgan	Mack	

NAYS—20

Abraham	Gregg	Lugar
Ashcroft	Hatfield	McCain
Brown	Inhofe	Nickles
Coats	Jeffords	Smith
Feingold	Kohl	Specter
Glenn	Kyl	Thomas
Grams	Lautenberg	

So, the motion to table the amendment (No. 2116) was agreed to.

Mr. McCAIN. Mr. President, this last vote is ample testimony that we will never stop spending the taxpayers' dollars that are earmarked for defense on anything but pork and wasteful spending.

The very concept that if an organization makes a profit that uses defense dollars, we cannot pay that back, then, Mr. President, I have no confidence whatsoever that we will ever be able to do what the taxpayers asked us to do—that is, to use the tax dollars earmarked for defense for purposes of national security.

VOTE ON AMENDMENT NO. 2117

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 2117 offered by the Senator from California.

Mr. NUNN. Mr. President, is this a 15-minute vote?

The PRESIDING OFFICER. It is a 15-minute rollcall vote.

Mr. NUNN. I will suggest a 10-minute rollcall vote, unless there is objection.

I ask unanimous consent that the vote be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2117 of the Senator from California.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—97

Abraham	Dorgan	Lautenberg
Akaka	Exon	Leahy
Ashcroft	Feingold	Levin
Baucus	Feinstein	Lieberman
Bennett	Ford	Lott
Biden	Frist	Lugar
Bingaman	Glenn	Mack
Bond	Gorton	McCain
Boxer	Graham	McConnell
Bradley	Gramm	Mikulski
Breaux	Grams	Moseley-Braun
Brown	Grassley	Moynihan
Bryan	Gregg	Murkowski
Bumpers	Harkin	Murray
Burns	Hatfield	Nickles
Byrd	Heflin	Nunn
Campbell	Helms	Packwood
Chafee	Hollings	Pell
Coats	Hutchison	Pressler
Cochran	Inhofe	Pryor
Cohen	Inouye	Reid
Conrad	Jeffords	Robb
Coverdell	Johnston	Rockefeller
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Santorum
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Shelby
Dodd	Kerry	Simon
Dole	Kohl	Simpson
Domenici	Kyl	Smith
Snowe	Thomas	Wellstone
Specter	Thurmond	
Stevens	Warner	

NAYS—3

Faircloth	Hatch	Thompson

So the amendment (No. 2117) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. COHEN. Will the Senator yield?

Mr. KOHL. I yield to the Senator from Maine, Senator COHEN.

AMENDMENT NO. 2118

(Purpose: To reform the management and procurement of information technology for the Government)

Mr. COHEN. Mr. President, I have an amendment I am sending to the desk, cosponsored by Senators LEVIN, ROTH, GLENN, and BINGAMAN. It has been cleared on both sides. It deals with the acquisition of computer technology.

I urge its adoption.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mr. LEVIN, Mr. ROTH, Mr. GLENN, and Mr. BINGAMAN, proposes an amendment numbered 2118.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. COHEN. Mr. President, the amendment I am offering today lays the foundation for real information management reform not only at the Department of Defense but at all Government agencies.

The amendment is based on S. 946, the Federal Information Management Reform Act of 1995, which Senator LEVIN and I introduced earlier this year.

Before discussing the details of the amendment, I want to both commend and express my appreciation to Senator ROTH, chairman of the Governmental Affairs Committee, and Senator GLENN, the ranking member. Both have been leaders on issues relating to information technology, and their contribution to crafting this amendment has been invaluable.

I would also like to thank my friend and colleague Senator LEVIN who I have worked closely with for over 15 years on the Oversight Subcommittee. I very much appreciate his counsel, cooperation, and support on this issue.

Finally, I want to also mention the members of these Senators' staff whose valuable assistance is appreciated. Specifically, Peter Levine, Mark Forman, David Plocher, and Debbie Cohen.

The amendment which would reform the Federal Government's approach to using and buying information technology, is cosponsored by Senators LEVIN, ROTH, GLENN, and BINGAMAN. Together, we have been able to fashion an amendment that will address many critical issues of information technology management within Federal agencies.

The amendment would accomplish meaningful reform, in part, by emphasizing upfront planning and the establishment of clear performance goals designed to improve agency operations. Once the upfront planning is complete and the performance goals are established, other reforms would make it simpler and faster for agencies to purchase information technology.

The need to reform how the Federal Government approaches and purchases information technology is well documented. The amendment reflects recommendations contained in literally hundreds of General Accounting Office and inspector general reports. The Defense Science Board's and numerous other formal Government studies have also outlined a number of problems in the current system and have made many recommendations for improvement. Now is the time to act on these recommendations, many of which are included in this amendment.

The current situation is abysmal. Last October, I issued a report entitled ''Computer Chaos,'' which stressed two key problems affecting the $27 billion we spend each year on information technology.

First, much of this money is wasted buying new systems that agencies have not adequately planned or managed. Consequently new systems, especially high dollars systems, rarely work as intended and do little to improve agency performance.

Second, a large portion of the $200 billion spent on information technology over the last decade has been thrown away maintaining old technology that no longer performs as needed. In other words, we are throwing billions of dollars away every year on technological bandaids, and we cannot, by virtue of the existing procurement and management system, effectively buy replacement systems.

Nowhere is this situation more evident than with our Nation's air traffic control system. In recent months, air traffic control system failures have become all too common. Passing this amendment will help to ensure that follow-on systems can be adequately planned and implemented to replace our Nation's aging air traffic control system before we have a tragedy.

The Government's failure to purchase effective computer systems has had significant implications for the Defense Department. The lack of effective information systems at the Pentagon has contributed to the mismanagement of billions of defense dollars. The payment of phantom employees, excessive inventories, and payments that weren't matched to invoices are the result of the Pentagon's inability to adequately and appropriately plan for and buy needed information systems.

In addition, defense agencies have spent billions of dollars each year to keep old, inefficient computer systems running, and they continue to buy new computer systems that are poorly planned and, once operational, do not meet the needs of the defense agencies which use them.

For example, 3 years ago I held hearings on the Defense Commissary Agency's failure to make timely and accurate payments to vendors. The Agency's computerized bill payment system was inadequate. Consequently, the vendors that delivered goods to commissaries, ranging from Kraft to Quahog Lobster Co. in my State of Maine, were not getting paid on time, if they were getting paid at all, while other vendors were getting paid repeatedly for the same invoices.

We do not know how much money the Defense Commissary Agency wasted through erroneous payments and added administrative expenses in an often futile attempt to sort out who was owed what. Although it has taken the Agency and some of its vendors years to recover from this experience, the whole episode could have been avoided had the Defense Commissary Agency invested in adequate technology.

Effective modernization at the Department of Defense has the potential to save taxpayers billions of dollars through increased efficiencies. In April, the Oversight Subcommittee held a hearing examining how the Pentagon manages its system from processing employee travel vouchers. We discovered that 30 percent of the Pentagon's travel budget—some $1 billion—was being spent just to process the $3 billion in annual DOD travel.

Private sector organizations spend on average about 10 percent of their travel budgets on processing vouchers and the best private sector organizations spend 6 percent. By adopting travel processing systems that are similar to private sector models and automating these processes, we determined that the Pentagon could save as much as $4 billion over the next 5 years.

As you can see, it is critical that we encourage not only the Pentagon but all Federal agencies to look at the way they do business, make changes to these business processes, and automate. I believe we can achieve a 5-percent annual reduction in Government overhead by adopting this strategy and, as a result, save the American taxpayer as much as $175 billion over the next 5 years. In this time of austere budgets, we cannot afford not to adopt the reforms contained in this amendment.

The bottom line is that the Government's current approach to buying computers is outdated and takes little account of the competitive and fast changing nature of the global computer industry. Markets and prices change daily, yet Government often gets locked into paying today's prices for yesterday's technology.

When the Brooks Act which governs how the Government buys computers was written in 1965, the Federal Government was the dominant computer buyer in the world and purchased over 60 percent of the industry's entire output. Today, the Federal market comprises only 3 percent of industry sales. While Government is still the largest single buyer, it no longer moves the market.

Over the last three decades, the Brooks Act has produced a process that has become too bureaucratic and cumbersome. It has spawned hundreds of pages of regulations and caused agencies to be primarily concerned with conformity to a paperwork process. What the process fails to address are the results—more efficient and less expensive Government—and fairness to the taxpayers.

In addition, an adversarial culture has developed between Government and business. Many companies believe they won't get a fair shake. Federal employees are suspicious of companies because of a fear of being second guessed and having the procurement protested.

In short, it is a culture of little trust, less communication, and no incentives to use information technology to improve the way Government does business and achieve the savings that we so desperately need.

It is time to move the Government's use of information technology into the 21st century. That is why I am introducing this amendment today so that we can significantly alter how the Government approaches and acquires information technology.

The legislation would repeal the Brooks Act and establish a framework that will respond more efficiently to the information technology needs of the Federal Government now and in the foreseeable future. The amendment would also eliminate the delegation of procurement authority at GSA, establish guidance and specific budgetary review authority at OMB, and establish Chief Information Officers at the major Federal agencies. Through the guidance and review process, OMB and the agencies will be required to emphasize up-front planning, monitor risk management, and work with contractors to achieve workable solutions to the Government's information needs.

The amendment will also discourage the so-called megasystem buys. Following the private sector model, agencies will be encouraged to take an incremental approach to buying information technology that is more manageable and less risky.

By replacing the current system with one that is less bureaucratic and process driven, the bill is designed to enable agencies to buy technology faster and for less money. More importantly, the bill is designed to make sure that before investing a dollar in information technology, Government agencies

will have carefully planned and justified their expenditures.

Similar to managing an investment portfolio, decisions on whether to invest in information technology will be made based on potential return. Decisions to terminate or make additional investments will be based on performance. Much like an investment broker, agency management and contractor performance will be measured and rewarded based on managing risk and achieving results.

I should note that the amendment is different from S. 946 in a number of significant ways. For example, S. 946 called for the establishment of a National Chief Information Officer at the Office of Management and Budget. Concerns were raised by the administration and Senators ROTH, GLENN, and LEVIN, that this has the potential to become a bureaucratic hurdle. Similar concerns were also raised at a hearing I conducted on this legislation in July. Consequently, the provision requiring a national CIO has been dropped.

In addition, a number of changes have been made to the procurement provisions. Specifically, a number of procurement reforms in the original legislation have been deleted from the amendment. These reform issues are currently under discussion by a Governmental Affairs/Armed Services/Small Business Committee working group and will be dealt with on a Governmentwide basis in procurement legislation later this year.

The amendment will fundamentally shift the Government's focus on information technology from a technical issue to a management issue. Information technology procurements under the current system have focused on features like the speed of the computer or the type of processor. Rarely, if ever, have they focused on whether the system was going to enhance the agency's mission by, for example, reducing benefit processing time or realize savings by reducing overhead expenditures.

Failure to recognize information technology as a management issue has cost taxpayers billions of dollars in inefficiency and waste. By passing this amendment, we can help transform the way the Government does business. If Government is going to regain the confidence of taxpayers, it must successfully modernize. And, as we all know, we cannot successfully modernize unless we can buy the tools which will enable us to automate.

Mr. President, my amendment is needed not only by the Department of Defense but throughout Government. Passing this amendment will go a long way toward bringing our Government into the 21st century. Reform is clearly the key to creating a Federal Government that, as the Vice President has put it, ''works better and costs less.'' I urge my colleagues to support this amendment.

Mr. LEVIN. Mr. President, as an original cosponsor of S. 946, the Cohen-Levin information technology bill, I find myself in an unusual position with regard to this amendment. I had expected to work closely with Senator COHEN and other members of the Governmental Affairs Committee and our subcommittee to revise and perfect this bill. Instead, I find myself addressing this issue on the Senate floor before hearings on the bill have been completed and before the bill could be marked up and amended through the committee process.

There are serious problems with our Federal Government systems for purchasing and managing information technology. I believe that problems as far-reaching as these deserve serious consideration at the committee level. The changes proposed in the Cohen-Levin bill deserve a full airing in public hearings and an opportunity for input from the executive branch, the public, and all members of the committee of jurisdiction. For this reason, I initially intended to oppose this amendment.

I shall not do so, however. While I continue to have major concerns about the process through which this amendment has been considered, Senator COHEN and his staff have made major modifications to the bill to address concerns raised by the administration and by other members of the committee. They have also agreed to delete a number of provisions addressing issues that we expect to address on a more comprehensive basis in the context of a later procurement bill. As a result, the amendment before us would take a number of significant steps to address problems with the procurement and management of computer systems without raising the concerns that the earlier bill did.

Mr. President, I continue to believe, as I did when I joined Senator COHEN in introducing S. 946, that it is very much time for us to reexamine our systems for the acquisition of computer equipment from the ground up. I continue to believe that is appropriate for us to ask why procurement and bid protest procedures and standards that have met our needs for products ranging from toasters to fighter aircraft cannot also meet our needs in the area of computer procurement. I continue to believe that it is appropriate for us to ask why we still need the centralized approach of the Brooks Act, under which the General Services Administration is responsible for approving computer purchases by other Federal agencies.

The amendment that Senator COHEN and I are offering today would dramatically revise Federal procedures for the procurement and management of information technology products and services by:

Repealing the Brooks Act of 1965;

Eliminating the requirement for a delegation of procurement authority by General Services Administration;

Ending the unique role of the General Services Board of Contract Appeals in information technology bid protests;

Clarifying the role of the Office of Management and Budget and the Office of Information and Regulatory Affairs in coordinating and improving Federal procurement and management of information technology;

Creating a new position in Federal agencies, known as the chief information officer or CIO, dedicated to the management of information technology resources;

Establishing a governmentwide CIO council to provide guidance to agencies on information technology management issues;

Establishing a preference for incremental purchases of information technology over a period of years, instead of unworkable megapurchases of huge amounts of products and services through a single contract; and

Establishing a pilot program to test the innovative Canadian system for procuring complex computer systems.

The Cohen amendment also contains the provisions of S. 675, my bill to reduce paperwork in the acquisition of off-the-shelf products by providing governmentwide, on-line access to GSA's multiple award schedules. The implementation of these provisions should bring effective competition to the multiple award schedules and make it possible to reduce or even eliminate the need for lengthy negotiations and burdensome paperwork requirements placed on vendors to ensure fair pricing. Accordingly, we would also establish a pilot program, under which direct competition at the user level would substitute for lengthy and paper-intensive price negotiations with vendors. I am pleased that these important provisions will be included in the Cohen amendment.

This amendment would not contain a number of provisions that I and others found problematic in the original Cohen bill. Unlike the original Cohen bill, this amendment would not create a new chief information officer or [CIO] in the Office of Management and Budget; it would not establish a new congressional committee; it would not overturn the prohibition on organizational conflicts of interest in acquisitions of information technology; and it would not provide for automatic termination of contracts and solicitations, or automatic pay adjustments for Federal employees, based on artificial formulas.

Because Senator COHEN and his staff have worked hard in the last few days to address substantive concerns with the earlier bill and because they have agreed to include the important streamlining provisions from my bill in his amendment, I ask to be included as an original cosponsor of the amendment. While I continue to be troubled that we are moving an amendment of this significance without the benefits of committee deliberation, I support the amendment.

Mr. GLENN. Mr. President, I am glad to be a cosponsor of the Cohen amendment and urge my colleagues to support it, as well. This amendment contains two sets of provisions regarding information technology [IT] management and procurement reform. Both are important, and both deserve support.

While I am cosponsoring the amendment because of its substantive merit, I must add that as a matter of process, I believe the amendment should have been considered more fully by the Committee on Governmental Affairs. The amendment differs significantly from the original legislation, S. 946. The one subcommittee hearing held to consider that bill does not suffice for a thorough review of the issues presented in either that bill or the revised language before us today. In my view, I would have preferred for a bill as significant and important as this one to go through the committee process so that we would have a report to turn to in the years ahead to know why we did what we are about to do. But, given my work on these issues, I am now comfortable with the amendment.

This amendment is needed because of the state of Federal Government information activities. Recent press stories about repeated failures of FAA air traffic computers alone should convince people of the need to substantially improve the way the Government buys, uses, and manages information technology.

This year Congress already took a major step toward addressing this issue when it passed the Paperwork Reduction Act of 1995. This law not only tackles the problem of public paperwork burdens, but also sets in place new requirements for broader improvements in information resources management [IRM].

The first set of provisions in the amendment before us today establishes detailed guidelines for implementation of the information technology management provisions of the 1995 Paperwork Reduction Act. The administration has been moving vigorously to implement the new act and has found that additional requirements would be useful to press agencies to improve their information technology investment planning and control processes and to provide greater accountability for information technology acquisition and management decisions. The administration supports these elements of the Cohen amendment and I commend those in the administration who are showing their commitment to making significant improvements in the management of Government information resources.

The second set of provisions in the amendment, also supported by the administration, provides related reforms in the area of procurement of information technology. These provisions are key to our buying of IT. They include such provisions as modular acquisitions and pilot projects which will give us the flexibility we need to procure information technology at a pace that is consistent with its rapid development. After all, that's what this amendment is all about.

I would also add that the bill as originally written contained many more procurement provisions than those included in this amendment. I am pleased that Senator COHEN deferred on these provisions—which are just as significant to IT as they are to other procurements—so that they will be considered by the acquisition reform working group. This bipartisan group will produce another piece of governmentwide acquisition reform legislation in the next couple of months to follow up on last year's success of the passage of the Federal Acquisition Streamlining Act.

Mr. President, I am pleased to cosponsor Senator COHEN's amendment and appreciate his work on this issue. I urge my colleagues to support the amendment.

Mr. FORD. Mr. President, I want to thank my distinguished colleagues, Senator COHEN and Mr. LEVIN, the authors of this amendment, Senator GLENN, and others, for their assistance in including my language in their amendment. Although this compromise language is not all that I had hoped, I believe that it takes an important step toward ensuring that the public who fund the creation of government information will be able to access it.

The amendment by my distinguished colleagues is a version of legislation currently before the Committee on Governmental Affairs, S. 946. I have serious concerns about that legislation and the impact it has on issues within the jurisdiction of the Committee on Rules and Administration, on which I serve as the ranking member.

The Rules Committee has worked hard over the last several years to ensure that Government information that is disseminated electronically, rather than through printed documents, is readily found and obtained by the public who pays to produce it. As technology allows us to move from the printed page to electronic databases, the Rules Committee has the same historic interest in ensuring that the public has access to that information in the least costly, most efficient form. At some point, most information that is available electronically is reduced to a printed form, and it is imperative that the protection of title 44 with regard to ensuring public access to such information be preserved no matter how much technology changes.

Currently, we achieve that through a combination of the depository library system and provisions of title 44 which created the Government Printing Office electronic access system, enacted 2 years ago. This system maintains a directory of Federal electronic information which can be readily located and accessed by the general public through the depository library system.

The depository library system, including over 1,400 libraries located in every congressional district across this country, provides an essential link for individual and communities to their government. The depository library system ensures that all government printed information, and now electronic information through the GPO access system also, is available to anyone, regardless of whether they have a computer in his or her home or office.

It is a system that is working and working well. It simply makes no sense in these times of fiscal restraint to reinvent the wheel when it comes to a system by which the public will locate and access government information. That is not to say that this should be the sole method of disseminating public information. But it should be the plain, vanilla method by which anyone, no matter how geographically isolated or computer illiterate, goes about obtaining government information.

The language I sought to have added to this measure provides that if an agency determines that its information technology system will be used to disseminate information to the public, then that information must be provided to the Government Printing Office, pursuant to section 4101 of title 44, United States Code. The GPO directory is currently being used by depository libraries across this country to provide the public with a usable reference system for government information.

Under this provision, an executive agency will continue to determine when it will make information available to the public. But once that decision is made, regardless of whether the information is reduced to printed form or posted on an electronic database, the public will be able to find it through the GPO access system. The public is entitled to that information and should not have to own a computer with a link to the specific agency, or any other database, to find it. My language ensures that they will not. A simple trip to their library to access the GPO system is all that is required.

This provision is necessary to ensure that the taxpayers of America who fund the creation of information technology systems which will be used to disseminate information will be able to access that information. This is an important link between government and the public and will increase the accountability of government to the public it serves.

I appreciate the considerable assistance of my distinguished colleagues, and their staff, in developing this compromise. I look forward to continuing efforts to ensure that no matter how much technology changes, the American public still gets their dollars worth.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2118) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COHEN. I thank my colleague from Wisconsin for yielding.

AMENDMENT NO. 2119

(Purpose: To limit to $257,700,000,000 the total amount authorized to be appropriated)

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

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Wisconsin.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. BROWN, Mr. FEINGOLD, Mr. BUMPERS, Mr. BRADLEY, Mr. HARKIN, and Mrs. BOXER, proposes an amendment numbered 2119.

On page 16, between lines 8 and 9, insert the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1996 under the provisions of this Act is $257,700,000,000.

Mr. KOHL. addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, my amendment is very simple. It limits the spending in the bill before us to the level in the Senate's version of the budget resolution: $257.7 billion. On May 23, 1995, in a strong bipartisan vote, the Senate defeated an amendment to the budget resolution which would have increased defense spending above the level requested by the administration. Sixty Senators voted against that amendment to increase defense spending. Unless they have changed their minds, the same 60 Senators should support this amendment. It offers another chance for the Senate to support the defense spending level laid out in the Senate's budget resolution and to save $7 billion in defense spending.

I also want to remind my colleagues that the defense spending number supported by opponents of this amendment represents an increase in defense spending over last year's spending level.

We are spending far too much on defense. We are not at war. We are coming off the defense buildup of the 1980's. The United States defense budget is larger than the combined military expenditures in the next nine largest military budgets, and our defense budget is 3.5 times larger than that of the next biggest spender, Russia. How can we possibly justify these exorbitant spending levels to the American people? How do we explain to them this hemorrhaging of taxpayer dollars? At a time when we are cutting programs for the poor, for students, for seniors—how can we justify giving the military money it has not asked for. This is not a question of national security; there is no major power threatening America. This is not a question of readiness, because most of the increase in spending is not to train troops, it is to pay defense contractors for more military hardware. The question is, do we need an extra $7 billion in this bill that the Defense Department says it does not want or does not need?

The President increased the defense budget by $6.9 billion before he sent up his fiscal year 1996 budget request to respond to some perceived shortfalls in readiness, and, perhaps, to head off defense spending increases ahead. Yet, in a move unprecedented in the last 14 years, the fiscal year 1996 defense authorization bill increases defense spending even more, $7 billion above the administration's request. And, I should note, none of the $7 billion went to pay for ongoing military operations in and around Iraq, Cuba, and Bosnia even though Secretary Perry had made an urgent request for funds to cover these contingency operations. The decision not to fund these operations puts even more pressure on the operations and maintenance accounts and raises the question of how serious the Armed Services Committee is in addressing the readiness issue.

Again, I want to emphasize: A majority of this body—60 Senators—has already gone on record supporting $257.7 billion for Defense. And that is what this amendment would do. Let me lay out some of the reasons why we should support this amendment.

First, this defense bill, with its huge spending levels, is reminiscent of the cold war. Our defense infrastructure looks remarkably similar to what was created to stand up to the Soviet Union and its Eastern Bloc allies. Even though we all agree that they no longer pose the same threat to our national security, we have not found a way to reduce the tremendous burden defense spending places on our country. While the Soviet Union constituted the main security threat to the United States throughout the cold war, present-day Russia is a shadow of its former military might. Look at the Russian military's recent performance in Chechnya. The breakup of the Soviet Union has deprived the Russians of military forces and defense production capacity. Even if an authoritarian regime took over, readiness has eroded so much as a result of deep budget cuts that it would take decades to recreate that threat.

The greatest threats we face today are less likely to be resolved with military force, and more likely to be resolved through political or diplomatic intervention. To be sure, we need a strong defense. We need to develop a strategy, and maintain a force structure, to protect and advance our interests in the new global environment. The difficulty is recognizing that our present infrastructure may not be relevant to the challenges ahead. If we could start over again, and create a new force structure from scratch, I am confident that we would have a leaner, more mobile and more efficient force at far less cost. Even working with our present defense budget, CBO and others have identified options to cut defense spending which could bring spending down as low as $150 billion by the year 2000. But this amendment is not about making deep cuts in defense spending. This amendment would make a very modest cut of $7 billion from the $264.7 billion authorization bill before us, and bring us back to the spending level that 60 Senators supported just 3 months ago.

Mr. President, there are many weapons systems in this bill that are obsolete. Although much lip service has been paid to the need for a new approach to national defense, little has changed in the last decade. Many of the weapons systems in the pipeline today were conceived during the defense build up of the 1980's, and will do little to address the threats of the post-cold-war world. There are countless big-ticket programs, with dubious rationales for their continued existence, that refuse to die. It is time for the Senate to recognize that we must stop buying weapons systems we no longer need and can no longer afford.

I believe that when it comes to defense, we are not making the tough decisions to reduce the budget deficit. If we truly intend to reduce the deficit, no area of the budget should be held harmless. The defense budget is no exception. We have not made exceptions for other areas of the budget that contribute as much to the long term security and well being of this Nation as does defense. In this era of deep and painful budget cuts, hitting many Americans hard, the bill before us today increases defense spending above what the Pentagon has indicated it needs and above last year's spending levels. Let me repeat, we are increasing defense spending this year at a time when everything else is being cut: education, health care, environmental protection, Medicare, Medicaid, low-income energy assistance, job training, childcare and child nutrition, highway funding, cancer research, elderly housing assistance, farm programs—everything else, but not defense.

Now there are those who will argue that there are defense budget cuts planned for later years. However, I do not believe we will make those cuts because many of the proposed increases we have before us today are devoted to new procurement, and new research and development projects, which lay the groundwork for increased spending down the road.

If we do not stop this spending now, we will have unleashed even more projects that will refuse to die.

The Armed Services Committee report acknowledges this: let me read from page 3:

The committee remains concerned about the adequacy of funding levels for national defense programs in the coming years. Despite the recommended fiscal year 1996 funding increase of $7.0 billion above the adminstration request, budget levels proposed for future years do not adequately

fund even the level of forces required for the Bottom-Up Review Force. These levels cannot meet modernization needs and do not cover inflation. This shortfall will seriously impair the ability of the Department of Defense to field the ready, modern forces essential to our national security. The limited progress reflected in this bill cannot be maintained unless future funding is increased.

Mr. President, there it is in black and white; the Armed Services Committee wants to spend more for defense. We cannot sustain the spending levels and the increased procurement in this budget unless we spend more for defense down the road. Experts on all ends of the spectrum agree on this point. Thus, a vote for increased spending this year is also a vote to increase spending next year, and the year after, and so on.

Mr. President, let me be clear, our amendment is not about any specific weapon system or any particular defense program. I know that there are colleagues who would like an amendment to target specific programs. But that is not the point of this amendment. Our amendment is about how much we should be spending on defense overall. This Senate agreed to spend $257.7 billion on defense just 3 months ago. In affirming that number today, this amendment is not an attack on defense spending. This amendment is about the amount of defense spending the Senate agreed was an acceptable level, which the present defense authorization bill increases by $7 billion.

And so I urge my colleagues to vote for this amendment, and for a more responsible level of defense spending.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise today in strong support of the amendment offered by the distinguished Senator from Wisconsin and the distinguished Senator from Iowa. I am pleased to be a cosponsor because I think this is a true ''walk the walk'' amendment.

We have spent countless hours in the 104th Congress ''talking the talk'' about fiscal responsibility. Now with this amendment we have a chance to back up our words by ''walking the walk.''

Mr. President, I considered offering a series of amendments to this bill to cut unnecessary spending. But I finally decided that doing so would not be the best way to make what is my basic point. That basic point is that we spend too much on defense because we spend it the wrong way.

Our defense budgets are still structured to fight the cold war. Although it is easy to come to the Senate floor and talk about the so-called post-cold-war world, it is a little more difficult to analyze exactly what that means for America's security needs. We have already had two reviews that were supposed to do that, one by the Bush administration, the so-called Base Force Study, and one by the Clinton administration, the Bottom-Up Review. And both of those studies really only tinkered at the margin of clearly looking at what we need in a post-cold-war world to defend the interests of this country.

Rather than rethinking the threats to America's security—which I think includes runaway deficits and the erosion of civil society as well as North Korea's nuclear program—these reviews have in fact been elaborate exercises in fighting the last war. Instead of taking a realistic look at the world as it is out there today, these reviews have trimmed a little here and trimmed a little there. But the result was to conform to what I call a cold war lite approach to the world. That is what this budget is, a cold war lite. It does not make any fundamental decisions about direction or what we need to do to defend this country in the so-called post-cold-war world. It simply does a little less here, a little less there. It is cold war lite.

Mr. President, $257.7 billion would be left in this budget after this amendment passed, if it did pass—$257 billion. That is a lot of money, more than enough to fund our defense needs, but only if we eliminate programs that we no longer need and spend the money on what we need.

Mr. President, I must say that looking at the debate and the budget, I see supporters of expensive but unnecessary weapons programs have seized upon the business-as-usual approach to defense budgeting, have seized upon the failure of both the Bush and the Clinton administrations to analyze what we need in a post-cold-war world to simply keep this program alive.

The Comanche, for example—I mean this thing just will not die. Having been pruned back to $199 million and two prototypes—that is how far we got this thing down at one point—it has crept back up to $373 million and eight aircraft. It is simply not needed. The Bush administration tried for 4 years to kill the Osprey, for 4 years, and yet here it is—$762 million strong right there in the budget. It cannot be justified on defense needs.

Mr. President, too big a part of this $265 million defense budget is nothing more than a jobs program. Take this bill, $7 billion over the budget resolution featuring $4.7 billion of unrequested add-ons; $7 billion above the defense resolution; $4.7 billion that was not even requested by the Defense Department or by the Clinton administration.

Last night the Senate voted to keep $1.5 billion in this bill to sustain a submarine industrial base by building a *Seawolf* submarine, a submarine we do not need to secure our national defense.

My constituents in the State of New Jersey will thus continue by the taxes they pay to come to Washington, that then go to the defense contractors to produce weapons systems that we do not need to defend our country. And my constituents in New Jersey are fed up with this kind of approach to our national defense.

Given the magnitude of the problem, it makes no sense to nickel and dime this bill, this little amendment here, this little amendment there. I know it is being done. It probably will be done.

But it is much better to take the approach of this amendment offered by the Senator from Iowa and the Senator from Wisconsin and cut a big piece of pork with one slice. This is the way the Senate can send a signal to the administration and frankly to the Congress that the old way of thinking no longer works.

Mr. President, this, then, will be, when we vote on this amendment, a vote to shatter the old way of thinking, and start the difficult and overdue process of rethinking our defense needs and priorities in this world. Cut $7 billion now, and pave the way for a better defense in the years to come.

I yield the floor.

Mr. KOHL. I thank the Senator from New Jersey.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield 7 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank Senator THURMOND for yielding this time. I realize we have 15 minutes as opposed to 75 minutes on the other side.

Mr. President, no decade in this century began more auspiciously than the 1990's. That gross impediment to human liberty—the Berlin Wall—was breached by the stronger forces of human yearning. The central security problem of our time—the possible clash of East and West on the plains of Germany—was resolved by the dissolution of the Warsaw Pact, the reunification of Germany, and the collapse of the Soviet Union.

The euphoria that accompanied these events anticipated the imminent arrival of a new world order of independent democracies engaged only in peaceful commercial competition with one another.

But the resurrection of ancient conflicts and hideous barbarism in the Balkans; the reappearance of other incidents of irrational nationalism that had been sublimated by the cold war; the haunting familiarity of Zhirinovksy's odious appeal to a perverse patriotism; the accelerating proliferation of weapons of mass destruction; and the waging of over 50 conflicts around the world have dimmed our hopes for a more just and tranquil world, and reminded us that we have interests and values that are still at risk in this promising, but uncertain world.

The world is still a very dangerous place. American vigilance and struggle are required now more than ever. There

are numerous potential threats to our national security in the world today. North Korea, one of the world's remaining communist dictatorships, seeks to acquire nuclear weapons, and this administration has failed to exercise the decisive leadership necessary to halt once and for all the threat of nuclear warfare on the Korean Peninsula.

In Asia, China has laid claim to the entire South China Sea and has enhanced its claim with a massive buildup of its armed forces, including the acquisition of new submarines, marine forces and aircraft carriers.

In the Middle East, Iran poses a serious threat to the security of the region with their own efforts to acquire nuclear weapons, their longstanding support of terrorist movements, and their aggressive military buildup in the Straits of Hormuz. Iraq remains a potential trouble spot, and Saddam Hussein maintains a stranglehold on political and economic power in that state. Russia's involvement in its near abroad, the ongoing horrible conflict in Chechnya and its advocacy of change in stable arms agreements causes serious concerns. Ethnic conflicts continue to range from Sri Lanka to Rwanda, and in Bosnia, United States military personnel may soon be sent in harm's way to assist in extracting international forces from the failed U.N. peacekeeping effort in that state.

These and other examples of instability in the world today make it imperative that we support an adequate national defense posture in this Nation.

I share the frustration and anger of many Americans as we spend millions and sometimes billions on weapons systems that are unnecessary and pork barrel projects that frankly have no relevance to the post-cold-war era. But I would remind you, Mr. President, the defense budget declined 35 percent in real terms between 1985 and 1994. President Clinton promised in his State of the Union Address in January 1994, ''We must not cut defense further.'' Yet, his fiscal year 1996 defense budget submission would cut defense for 4 more years totaling another 10 percent decline by 1999.

This rapid shrinking of resources available for national defense first damaged the readiness of our forces, damage which has now nearly been repaired as a result of warnings from our Joint Chiefs and Congress over the past few years. Operations, training and maintenance funding has been restored to needed levels in most instances.

Unfortunately, however, the continuing deficit in defense accounts will in the future impair the ability of our military forces to be ready to perform on the battlefield in the future. The fact is that with the Clinton defense budget levels we would be unable to maintain near-term readiness and also fund future force modernization.

Testimony from our highest ranking military officers, the four service chiefs, before the Readiness Subcommittee on April 27 of this year, illustrated the Hobson's choice in the Pentagon today. The chiefs testified that they have halted virtually all major modernization programs because of the need to devote their scarce resources to restoring and maintaining near-term readiness. They also testified that at a consistent level of defense spending much higher than the Clinton administration's defense budget, about $272 billion per year, they would barely be able to fund their modernization efforts. And they stated unequivocally that if additional funding were available for defense, their highest priority would be modernization, by the way, not military construction. Procurement of new weapons systems has nearly stopped.

Four of our highest ranking retired military officers prepared a report entitled, ''A Report on Military Capabilities and Readiness.'' In this report, they illustrated the sharp decline in procurement of fighter and attack aircraft, tanks and combat vehicles, missiles and ships. In all of these categories, procurement of new weapons systems is lower than at any time in the past 20 years.

This year's budget request funds only three new combat ships, 16 fixed-wing combat aircraft, and 60 new helicopters. It contains no funding for new tanks and inadequate funding for improving existing tanks. Average age of equipment will continue to rise as will the cost of maintaining aging forces. Safety margins will narrow.

Under the Clinton administration budget, the technological edge of our military forces, which was responsible in large part for the victory in the Persian Gulf war, will disappear. Without force modernization, military forces in the year 2001, at the end of the current future years' defense program, will not have the technological superiority necessary to fight and win on the modern battlefield. This legislation restores some of the funding required to continue with the development and procurement of modern high technological weapons systems which will provide the battlefield edge in the future.

The level of defense spending in this bill is necessary to ensure our Nation's position in the world and the future security of our people. That will provide the defense funding that is absolutely necessary to accomplish these goals.

The bill is consistent with the budget resolution and funds high-priority defense spending in order to maintain a viable American military force into the next century.

Mr. President, the bill's level of defense spending is minimally adequate to ensure near-term readiness as well as force modernization in the future. National security remains our highest budgetary priority. I urge my colleagues to support our national security and vote against this amendment.

Mr. President, I yield back to Senator THURMOND the remainder of my time.

Mr. KOHL. Mr. President, how much time does this side have?

The PRESIDING OFFICER. The Senator from Wisconsin has 57 minutes 24 seconds.

Mr. KOHL. I yield 5 minutes to the Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. Mr. President, first of all, I ask unanimous consent to be an original cosponsor of this amendment of the Senator from Wisconsin and the Senator from Iowa.

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

Mr. WELLSTONE. Mr. President, what this amendment does is simple and straightforward, as the Senator from Wisconsin has so stated, and it deals with one of the craziest things that I have seen happen since I have served in the Senate. What we have here is a defense spending bill that asks for $7 billion more than requested by the President and requested by the Secretary of Defense and requested by the Chairman of the Joint Chiefs of Staff. This is just crazy. In a time when we have enormous debt, in a time when we keep talking about the need to reduce budget deficits, now we have a spending bill that asks for $7 billion more than the Pentagon says it wants. It is nothing short of an effort by the Congress to jam down the throats of the Pentagon more spending than the Pentagon says it needs for our national defense.

This is almost unprecedented. I think it is crazy for two other reasons: first, overall global context, and then, second, the here and now of what is happening in this Congress at this moment in our country.

Overall global context. All of our potential enemies—broad definition—potential enemies, total expenditure $121 billion. Looking at our outlays, $271 billion. We spend more money in our budget than all of our potential enemies combined for defense. If you were to add NATO and other allies, then altogether the United States and its allies spend $522 billion compared to our total potential enemies of $121 billion. And now we have an effort to add $7 billion more on to this spending bill than the Pentagon says it needs, in a time when we are supposed to be saving money, in a time in which we are supposed to be fiscally responsible.

Then finally, Mr. President, let me juxtapose this amendment—critical amendment by the Senators from Wisconsin and Iowa—with the front page story in The Washington Post. ''House Votes Major Cuts in Domestic Programs.'' Mr. President, $9 billion. They eliminated the low-income energy assistance program. That is a key issue in a cold weather State like Minnesota for the most vulnerable citizens, and job training programs and education programs.

This represents distorted priorities. On the one hand we have a budget before us—we have a spending bill before us that asks for $7 billion more than

the Pentagon needs. It fits conveniently with a lot of Members that sit on the Appropriations Committee or Armed Services Committee—a lot of add-on projects. On the other hand, we cut into programs that are so key to opportunity and the future of our own country.

Mr. President, I will conclude this way. I said it the other day on the floor. I think I am just going to start shouting it from the mountaintop on the floor of the U.S. Senate. I am for a strong defense. But there comes a point in time when we need to understand that part of the real definition of our real national security is the security of our local communities where there are jobs, where there is health care, where people feel safe in their homes, where people feel safe in their neighborhoods, and when there is a commitment to education second to none. So that every boy—and for that matter every girl—can grow up dreaming to be President of the United States. If we do not start understanding that that is a part of our national security, and we do not get our priorities straight, Mr. President, I fear for the future of our country.

So I support this amendment on the grounds of some rigor, and some good fiscal conservatism and cutting where we ought to cut and not being spendthrifts when we should not be. And I also support this amendment on the basis of what I think are the sound priorities it reflects.

I yield the floor.

Mr. KOHL. I thank the Senator from Minnesota. I would like to ask my coauthor and colleague of this amendment, Senator GRASSLEY from Iowa, how many minutes he would like to take initially, 8 or 10?

Mr. GRASSLEY. Ten minutes.

Mr. KOHL. I yield 10 minutes to the Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Mr. President, first of all, I do not think Senator BROWN was listed as a cosponsor. I ask unanimous consent that he be listed as a cosponsor.

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

Mr. GRASSLEY. Mr. President, in some ways I wish we were having the debate after Labor Day. I have been in Congress a lot of times in the month of August when we take our traditional recess where after that recess there is a whole different environment than there is before we go on that recess. It seems that we observe, because we are close to the grassroots during that summer break, that there is some change of opinion in Congress that takes place during that period of time.

I believe that when we are home this August and we hear the refrain about cutting too much from Medicare, and too big of a tax cut, and particularly as the Democrats might lambaste us Republicans for giving a tax cut to wealthy, then people start realizing everything is going to be cut, cut, cut, but not the defense budget, that it is going to be increased $33 billion above even what the President suggested for the next few years, we may come back here and decide—think again, do we really need to increase the defense budget by $33 billion?

But the debate is today before the August recess. So we are going to have the benefit of that and a reflection on that. But maybe sometime when there is an impasse between the White House and the Congress on arriving at reconciliation, there may be an opportunity to rethink whether or not defense ought to get a big increase when everything else is being cut.

So we may get another look at this, I say to my friend from Wisconsin. And I hope we do. And maybe we are setting a record for us to do that. Because I do not think the side that wants to spend more money has really made a justification for it because it seems like all the add-ons above what the President wants spent are generally decisions made by Congress to spend more money here or there. That is pretty piecemeal. It is not how you make a studied, responsible decision for our national security.

Now, I would feel much better in a debate talking about more money for defense if I could ever hear the other side say how much is enough. When is enough, enough? I never hear that. I never heard that it was enough when the President of the United States on his own volition said, ''We need to spend $23 billion more than we're spending this year.'' But when the Commander in Chief said that, I did not argue with it. Nobody on the other side that is supporting the Kohl amendment argued with it. We accepted the Commander in Chief's judgment. But the Commander in Chief has not said he needs another $33 billion. But here we are tossing in $33 billion of which the $7 billion in the Kohl amendment is the first installment of that $33 billion. So, how much is enough? I never hear that. I do not think ever enough is enough.

Well, we rejected on May 23, 1995, a proposal to pump up the defense budget. And of course that was on the 1996 budget resolution, 60 to 40. And 17 of those 60 were Republican votes. If they stick with us, we will win again. Sixty Senators said, ''Enough is enough.'' What the Commander in Chief said. Sixty Senators voted to hold the defense spending at that requested by the President. This Senator from Iowa voted for those lower defense numbers.

Well, when the budget resolution went to conference in the House, the extra money for the Pentagon that we are trying to subtract today was approved. The extra money is in the bill before us. I opposed it on May 23. I opposed it in conference. And I oppose it now.

One of the Republican leaders in the other body said to me privately during those conferences, ''CHUCK, you know, I have got a request from our friends in the House for another $6 billion. We just have got to have more money to satisfy the people on our side of the aisle.''

Is that not a nice way of deciding how much we ought to spend on defense, because a mass of humanity from the floor of the other body goes to one of the leaders and says, ''We have got to have $6 billion more''?

That is why I am supporting my colleague from Wisconsin to subtract the $7 billion. Our amendment will bring the defense budget back down to the amount approved by the Senate on May 23.

My amendment would eliminate waste at the Pentagon. Continuing waste at the Pentagon undermines the credibility of the higher defense numbers in this bill. Waste at the Pentagon has been a concern of mine from the beginning of my Senate career. More than anything else, those spare parts horror stories of the early 1980's, the $750 pair of pliers, the $7,000 coffee pots, caught my attention, crystallized my thinking on defense. Those spare part horror stories were a turning point, I think not for me, but for so many people. Uncontrolled waste offends American people. It offends me. The spare parts horror stories convinced me that President Reagan's plan during the 1980's to pump up the defense budget was a colossal taxpayers' ripoff. The spare parts horror stories undermine the credibility of the Reagan defense buildup.

They turned me into a reformer and drove me to watchdogging the defense, digging into fraud, waste, and abuse. I do not happen to sit on the Armed Services Committee. I am not on the Defense Appropriations Subcommittee. I have to admit, I never served in the military. So as a conservative Republican, it is not easy for me to tangle with the Pentagon. But common sense tells me this waste is not right, so I speak out, and you must keep digging.

That is what brings me to the floor today. For unexplained and unknown reasons, my Republican colleagues and some Democrats seem bound and determined to pump up the defense budget once again without ever telling us when enough is enough.

Their plan is to pump up the defense budget, and it does not seem to make sense. It defies understanding and defies reason. They want to start back up the slippery slope we did in the eighties. It is a prescription for more Pentagon waste and mismanagement. It is like a scheme to extort money from the taxpayers.

The principal threat to our national security, as we knew it, is gone. The Soviet military threat has evaporated. My good friend from Arizona just spoke about the worries around the world that we have to consider, yes, but he mentioned the former Soviet Union. Russia could not even win in Chechnya. If that does not prove the cold war is over, what does?

Once again, I want to remind my colleagues what happened 10 years ago.

Back on May 2, 1985, the Senate rejected President Reagan's plan to rapidly escalate defense spending, which justification was the cold war.

President Reagan and his Secretary of Defense, Cap Weinberger, wanted to push the defense budget numbers from $255 billion in 1985 to $300 billion in 1986, to $400 billion in 1987 to $500 billion in 1990. Remember, that was at the height of the cold war, the height of the Soviet military power. But regardless, a Republican Senate in 1985 and a Republican President put the brakes on. The Senate threw cold water on that plan to go up to double the defense budget in the 5-year plan. The Soviet threat was a main drive then behind those big budget numbers. It is gone now. So the defense numbers should be coming down, not going up.

True, in real terms, the numbers have dropped slightly from the cold war average. Maybe by 10 percent. But that is just a drop in the bucket compared to the dramatic decrease in the threat. So why are my Republican colleagues trying to force the numbers to move in the wrong direction? As we learned back in the eighties, higher defense budgets in peacetime brings higher costs, brings more overhead and more waste, not more defense.

So long as the defense leadership remains asleep at the switch, more money for more defense when there is no real threat, no real need is waste by definition. The Senate is in the process of blessing waste, the mindless and careless expenditure of money.

The Senate is about to give the Pentagon bureaucrats huge sums of extra money to spend for no known purpose, for no known return and no known reason. The bureaucrats at the Pentagon are licking their chops at the prospects. The extra money will be used to buy weapons we do not need, like the *Seawolf* submarine, the F–22 fighter, the B–2 bombers and Comanche helicopters, all designed to defeat a threat that no longer exists.

To make matters worse, these cold war relics are all underpriced and underfunded. They are underpriced and underfunded because their outrageous price tags cannot be justified in the absence of Soviet military threat. So what we are really doing is shoveling money at the contractors to pay for the hidden costs. All this extra money will not buy more weapons and equipment; it is going to buy more costs. It is that simple. History teaches us that the cost of the future years' defense program almost always exceeds the money in the budget. That is called, over program.

DOD budget managers like to underestimate costs and overestimate the amount of money Congress appropriates. Their appetite is always much bigger than their budgets. This kind of mismanagement causes the plan's reality mismatch. The General Accounting Office's ongoing historical review of the 5-year defense procurement program shows that DOD consistently pays more but gets less. On an average, 130 percent is paid by the defense for 80 percent of the program, and that is what the data shows.

The PRESIDING OFFICER (Mr. DEWINE). The Senator's time has expired.

Mr. GRASSLEY. I yield the floor.

Mr. KOHL. Mr. President, I thank the Senator from Iowa who has always been one of the strongest watchdogs on defense spending. I appreciate his work with me on this amendment.

At this time, I yield 6 minutes to the Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, I rise to support the Kohl-Grassley amendment to cut $7 billion from this bill and bring it back to the level that was requested by the President. I opposed this bill when it was before the Armed Services Committee, in part because I did not support this additional funding. I did not feel that the committee had used the additional funds wisely, even if we decided to go ahead and add the funds.

Taxpayers are demanding, as Senator GRASSLEY just said, and others have said over many months in the Senate, that Congress reduce the Federal deficit. This has been the first priority in Washington since this Congress convened.

Mr. President, the current bonanza of weapons system add-ons that is reflected in this bill cannot be sustained in future year budgets. The committee report admits that. Senator KOHL quoted the committee report in its entirety on this issue in his statement. Let me just repeat one sentence from that report. It says:

> The limited progress reflected in this bill cannot be maintained unless future funding is increased.

Sixty Senators earlier this year voted not to increase defense spending above the President's budget during the next 7 years. A majority of the Armed Services Committee voted for the increase, and the committee is now straightforwardly telling the Senate that they have constructed a bill inconsistent with the budget resolution's funding levels in future years. They will be back for more funding in order to sustain the add-ons for various weapons systems and procurement initiatives in this bill.

Mr. President, when they come back for that additional money, I strongly doubt that the Congress is going to add funding in future years for defense. Instead, we are going to face a choice between force structure and new weapons systems. We cannot have both within the budget resolution's outyear defense totals. The committee agrees that we cannot have both.

Adequately paying and housing and training 1.45 million active duty service members in future years will require greater expenditures for personnel, military construction and operations and maintenance and will further squeeze the amount we have to pay for these weapons systems that we are starting to buy in this bill.

Defense experts from both parties have pointed to the train wreck in defense budgets that we are going to face before the end of this decade. Let me just point out we had a very good hearing in the committee where we talked about this excess force structure. Two experts there, Dan Goure of the Center for Strategic and International Studies, and Andrew Krepinevich of the Defense Budget Project, both made the point that we had to reduce the force structure by somewhere between 200,000 and 400,000 personnel.

Richard Perle, who many people in this body know as a fairly strong supporter of our defense effort, has recently stated:

> We are spending too much on a force structure that is far larger than we need.

Mr. President, I am tempted to offer an amendment directing the Secretary of Defense to prepare for an additional drawdown in the size of our force structure in light of the priority that is being accorded to weapons systems modernization in this bill, and also the fact that it is very unlikely that future defense budgets will have enough in it for both.

I am not sure how I would vote on such an amendment, but I would be very interested in seeing how those who put this bill together would come down on that fundamental choice.

George Wilson, who has long studied the defense issues in this country, wrote a very good article in Navy Times on August 7. Let me read a little bit from that article.

In talking about the present activities in the defense budget, he says:

> It is going to end badly. The budget balancers in Congress and the executive branch, sooner or later, will conclude that the hawks on the House National Security and Senate Arms Services Committees and elsewhere in Congress have made themselves irrelevant.
>
> No later than 1997, the budget balancers will slash military programs right and left because, if for no other reason, this will be the easiest place to cut, barring a big war.
>
> Before the chaos from that budget train wreck sets in, there is the even more worrisome prospect that congressional hawks will succeed in their current efforts to put the country into a U-turn back toward the Cold War.

Mr. President, yesterday, we dealt with the ''U-turn back toward the cold war'' and, by two votes, decided to make that U-turn back toward the cold war. Today, Senator KOHL and Senator GRASSLEY are giving us a chance to ensure that the 1997 train wreck is not made worse by our spending binge this year.

I hope the Senate will support the position it took back in May that additional funding is not needed. I hope we will not see headlines in tomorrow's Washington Post like we saw today: ''House Votes Major Cuts in Domestic Programs'' and ''Senate Backs Missile Defense Network.''

When we are slashing Medicare, slashing Head Start and education programs, slashing Medicaid for the poor

and disabled, slashing environmental protection programs, I, for one, cannot justify the extra $7 billion in this bill for defense.

I urge the Senate to support the Grassley-Kohl amendment.

I yield the floor.

Mr. KOHL. Mr. President, I thank the Senator from New Mexico for his thoughtful and balanced comments. It is not unusual because that has been the hallmark of his service in the Senate for several years.

How much time is left on our side?

The PRESIDING OFFICER. The Senator from Wisconsin has 33 minutes, 12 seconds.

Mr. KOHL. I yield 13 minutes to the Senator from West Virginia [Senator BYRD].

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wisconsin, Mr. KOHL. He has offered a challenging amendment. It is one which I fully support. It is a post-cold-war wake-up call, a reality check amendment.

This amendment, cosponsored by Mr. KOHL and Mr. GRASSLEY, challenges the Senate to make a choice between significant and substantial deficit reduction, or supporting, on the other hand, a bow wave of unsustainable and unnecessary bloated defense spending—unnecessary, bloated defense spending. This amendment would cut the $7 billion added to the President's request for the Department of Defense in fiscal year 1996.

How much is $7 billion? I was talking to JOHN GLENN this morning. I said, ''You went around the world on February 20, 1963, in 89 minutes.'' He said, ''Another way of saying that is, we were traveling at the rate of 5 miles per second.'' That makes it pretty clear. How much is $7 billion? How long would it take to count $7 billion at the rate of $1 every minute? It would take 14,000 years. Seven billion dollars is a lot of money!

The Senate has voted resoundingly for the President's level of spending already in this session. By a 60–40 vote, this Senate endorsed this level of spending when we took up the Senate-reported budget resolution.

I believe that the overall level of expenditures contained within the bill, although within the limit established by the conference report on the budget resolution—which I did not vote for—is higher than needed for an adequate defense posture. Additionally, the spending priorities established by the committee and numerous provisions of the bill put the country on a militaristic path reminiscent of the Reagan era, despite the greatly reduced threat now faced by the United States.

I was here during the Reagan era. I voted for the increased military spending that was recommended by Mr. Reagan. I voted for all of his exotic weapons. So I come with, I think, pretty good credentials, having been a supporter of the military.

This spending level, though, looks in the wrong direction. It looks to the past, not to the present and to the future.

This bill doubles the funding for national missile defense systems, the core of the Reagan ''Star Wars'' program. It adds funds to anti-satellite programs. The Congress rejected programs for new, expensive ASAT (anti-satellite) systems during the cold war. It turns logic and spending on its head to support such questionable programs now that the Russian threat has collapsed. This just indulges in waste!

This bill also adds funds to increase or expand the purchases of aircraft and ships that were not requested by the Department of Defense. These are in excess of what is necessary to support current military posture and strategy.

One of the great unsaid truths of the recent defense budgets that are written by Congress is that they are, in large measure, jobs programs in disguise. Funds are provided to buy ships, to buy aircraft and missiles that support hundreds of thousands of jobs throughout the United States. These ships and planes and missiles may not be necessary to support a rational and reasonable defense strategy, but they keep production lines open and paychecks going home.

These programs are supported by Republicans and Democrats alike. Like caged mice on an exercise wheel, we go around and around and around, buying weapons we do not need so that hard-working people are not laid off their jobs. No one would argue that these jobs are not important or not necessary to a strong economy. Yet, this Nation cannot seem to find a way off this wheel, so we go around and around and around. We continue to support big defense budgets and questionable weapons procurement plans. And in the process, we allow waste and abuse of the taxpayer's dollar. We also risk crafting a defense budget that neglects our real defense needs. We focused instead on keeping jobs in various States, not on creating the kind of defense strategy that the Nation really needs.

This bill contains funds for ships that are not needed now, according to the Department of Defense. We could do much better to spend that money on becoming the strong, prosperous, and well-educated Nation that other nations seek to emulate and trade with, but not to go to war with.

Yet, funds that would provide a transition—a way to move off the wheel of large defense budgets—were cut in this bill. Technology reinvestment program funds that were intended to move defense technologies into the civilian economy, where they could be maintained without big defense spending, have been cut. Programs to transition military personnel into education and law enforcement are under fire. Small programs that encourage military personnel to help their local communities and to help troubled youth have been cut. Funds to support arms control verification, to help both make the United States and its former enemies feel more confidence about peace, security, and stability in the future, have been cut, cut, cut.

These beginning efforts were the first steps in moving the United States away from the role of the world's only remaining military superpower and into a nobler role as a world economic and education superpower. I am sorry to see us slip back, to move from away from Athens and towards Sparta, away from the education of the mind, to the molding and shaping of weapons.

This amendment shares the deficit reduction pain that is already being felt in the shrinking accounts for energy, agriculture, education, and law enforcement programs—in all of the programs funded in the domestic discretionary accounts that directly and daily benefit every American citizen. Boy and girl, man and woman, black and white, all over this country.

This disparity between defense and nondefense spending over the next 7 years is eye opening. Now, the people out there beyond the beltway hear about it, they hear about these cuts that are being made in domestic programs. They read about the cuts that are being made in domestic programs. On television they see reports of the cuts that are being made. But they have not yet felt the cuts. Wait until they feel the pain. It is coming. It is coming.

Mr. President, I think of Croesus, the King of Lydia, who was defeated by Cyrus at the battle of Thymbra, in the year 546 B.C. This was Cyrus II, Cyrus the Great. In 559 B.C., he became king of Ashan. He ruled all of Persia from 550 to 529 B.C.

Cyrus desired to add the kingdoms that were ruled by the Sythians, in southern Russia, to his vast territory. So he launched a great invasion against the Massagatae, whose ruler was a queen named Tomyris. Before crossing into the territory of the Sythians, he called his generals and advisors about him and asked their advice. He had kept Croesus on at his court as an advisor, this great king who had been one of the richest kings in history. Cyrus asked Croesus for his advise, and Croesus said this: ''There is a wheel on which the affairs of men revolve, and its movement forbids the same man to be always fortunate.''

Mr. President, that same wheel turns for us. That wheel is going to turn in this country, and when the people begin to feel these cuts and see the nation's infrastructure falling apart, the bridges falling down, the railroads deteriorating, and the highways filling with potholes, when the people begin to feel the cuts in health and education, the worm is going to turn. Mark my word, the wheel will turn!

The Department of Defense should not be growing fat on $70 billion in the unneeded calories of defense pork—beginning with $7 billion this year—while education, law enforcement, transportation, and all other domestic

discretionary accounts are starved by $183 billion. I hope that my colleagues will stand up to the challenge posed by the distinguished Senator from Wisconsin, and vote to cut the fat from this bill in favor of cutting the deficit.

Piling another $7 billion on top of the defense budget, for an array of non-essential, nice-to-have new weapons makes a mockery of our rhetoric to balance the budget.

While raising defense spending, we are cutting nondefense discretionary to the bone—to the bone. I know. I meet in the appropriations subcommittee hearings, and in the subcommittees as they mark up the bills, and I sit in the full Committee on Appropriations with Senator HATFIELD, and you should hear the groans there among the Members. As Senator HATFIELD said today in markup, ''Just wait. If you think it is bad now, wait until 1997.''

So just wait, Senators. You are going to hear from the people back home. The worm is going to turn. And it is going to bite you! When it bites, you will feel the pain.

If Senators really mean it on deficit reduction, the most compelling evidence of how serious they are will be an aye vote on the Kohl amendment. Start here. Start now.

We hear that advertisement on TV, ''Do it here; do it now.'' Well, Senators, now is the time. Do it here; do it now!

I take a back seat to no one when it comes to adequately preparing for our national defense. That is our first priority in this country. It ought to be.

As I have said, I voted for all the weapons during the Reagan era. You name them, I voted for them. That time has passed. It has come and gone.

What we are seeing here is the coming of a shadow—a shadow—of the nondefense discretionary budget, in order to pay for more military weaponry that we do not need, and in order to pay for a $250 billion tax cut that is utter folly! Folly!

Yes, the worm will turn. I respect Senators who do not agree with me; I respect their viewpoint. But the American people are going to wake up one morning and find that it ain't just like they have said it would be. It is going to be different. When that worm turns, Senators are going to see a turning of the viewpoint in this Senate.

Mr. President, I thank the distinguished Senator from Wisconsin and the distinguished Senator from Iowa for their leadership. I hope that the Senate will support their amendment. I intend to vote for it, and I hope the amendment will prevail.

Mr. President, I ask unanimous consent that a table showing budget cuts over the 7 years of the budget resolution be printed in the RECORD.

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

BUDGET RESOLUTION VERSUS 1995 FREEZE

[Budget authority; dollars in billions]

	1996	1997	1998	1999	2000	2001	2002	7-year total
Budget resolution:								
050–Military	$265	$268	$270	$272	$275	$278	$281	$1,909
Nondefense discretionary	224	219	227	216	221	219	218	1,544
Total	489	487	496	489	496	497	499	3,453
Assume 1995 BA freeze:								
050–Military	263	263	263	263	263	263	263	1,839
Nondefense discretionary	247	247	247	247	247	247	247	1,726
Total	509	509	509	509	509	509	509	3,566
Difference (resolution less 1995 BA freeze):								
050–Military	3	5	7	10	12	15	18	70
Nondefense discretionary	−23	−27	−20	−30	−26	−28	−29	−183
Total	−20	−22	−13	−21	−14	−13	−11	−113

Mr. KOHL. I thank the Senator from West Virginia for his powerful statement, which lends tremendous credibility and impetus to this amendment. I appreciate his coming to the floor and appreciate his speaking in its behalf.

The PRESIDING OFFICER. The Senator from Wisconsin has 15 minutes remaining.

Mr. KOHL. Mr. President, I would like to yield 5 minutes to the Senator from North Dakota, Senator DORGAN.

Mr. DORGAN. Mr. President, let me compliment the Senators from Wisconsin and Iowa and others who have spoken so eloquently in support of this amendment.

If we were to skip ahead 100 years from today, we would not be able to tell very much about what we were about except historians could look back at this group of Americans and evaluate what we felt was important and our values, by what we decided to spend our resources on. They could, in fact, look at the Federal budget and decide what we thought was important for the future of this country.

It is sad to say that the priorities these days are priorities not to invest in the human potential of the American people that will produce big rewards and big dividends in the years ahead. I refer to priorities like educating our children, like helping people up and out of poverty, like providing the kind of health care that senior citizens need, and other things. Instead, as we find all too often, it is building things we do not need with money we do not have. Never is that more evident than in this bill.

I support a strong defense. I think it is important to our country's security. But I am disturbed when I see legislation brought to this floor in which $7 billion is added on and $4.7 billion just written in for new procurement—most of it, I am sure, with inadequate hearings or virtually no discussion. Instead, somebody just writes it in and says, ''We know you are not asking us to buy this, Mr. or Mrs. Pentagon, but we insist we do.''

Take page 125 of the report, $60 million is written in here, $60 million for blimps—blimps. It does not say blimps. It talks about lighter-than-air air ships. These folks are talking about writing in $60 million for the Hindenburg to defend against cruise missiles, I guess. Blimps.

I just got stuck on the subway, a little subway that runs 2 blocks between the Capitol and the Senate office building. I sat in that subway because the subway would not go anymore, the doors would not open. That is high tech. It is a brand new subway, as a matter of fact.

The weapons program acquisition in this bill, includes $4.7 billion of add-ons. I could go down the whole list of high-tech weapons. We have a subway that does not work. All these things, I guess, are going to work even without full hearings. We are going to write them in and say, ''We are going to build them, just have confidence.'' Among the weapons is a blimp.

I do not know, maybe if we hear Saddam Hussein has started a cavalry, then perhaps we would go out and start buying horses. I just do not understand what people are thinking about. I do not have the foggiest notion what they are thinking about. They say we should add $7 billion extra for defense which the Secretary of Defense says is unneeded?

And then every single day in every way they come to this floor and say, ''We cannot afford to give a poor kid an entitlement to a hot lunch in the middle of the day at school. We just do not have the money. We can afford blimps. We cannot afford medical care for the elderly. We are sorry. Tighten your belt, Grandma and Grandpa. We apologize. We do not have the money.'' But we can buy blimps, I guess.

We say to the middle-income families, ''We are sorry we are going to make it more expensive to send your kids to school because we just cannot afford it.'' But we can go resurrect Star Wars. Star Schools are not important. Star Wars is important.

I do not have the foggiest notion what is going through the heads of people who think that this represents America's priorities. Kids are our future. Investment in human potential is our future.

Yes, defend our country. But how on earth can you say to the Secretary of Defense, when he says, ''Here is what is necessary to defend our country,'' you do not know? And therefore you say instead, ''By the way, take this $7 billion. We do not care whether you want it or not. It is jobs in our States. It represents weapons programs we insist you build. It is ships and submarines, it is fighter planes that you say you do not need, you do not want, but we insist you build them.''

What on earth are people thinking of? Someone once said that 100 years from now it will not matter much how big your house was or how much income you made. But the world might be a different place because you were important in the life of a child.

I would like to hope that one of these days we get our priorities sufficiently straightened out so we can be important in the lives of children in this country. I hope we can stop saying to children and others, ''We cannot afford the things you need,'' but then come to the floor with a bill full of blimps, Star Wars and other nonsense, and shove down the throat of the Pentagon $7 billion they did not ask for to build things we do not need. This in a country where we are up to our neck in debt.

This sort of thing has to stop. This is the place to stop it. Right here, right now, today, with this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I thank Senator DORGAN. It was an eloquent statement he made. As usual, he is right on target.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of how those Senators voted in May when we fixed defense spending at $257 billion.

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

Sixty senators who voted to maintain defense spending at $257.7 billion on May 23, 1995.

NAYS (60)

Democrats (43 or 93%):

Akaka, Baucus, Biden, Bingaman, Boxer, Bradley, Breaux, Bryan, Bumpers, Byrd, Conrad, Daschle, Dodd, Dorgan, Exon, Feingold, Feinstein, Ford, Glenn, Graham, Harkin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Mikulski, Moseley-Braun, Moynihan, Murray, Pell, Pryor, Reid, Robb, Rockefeller, Sarbanes, Simon, and Wellstone.

Republicans (17 or 31%):

Bond, Brown, D'Amato, DeWine, Domenici, Gorton, Grassley, Gregg, Hatfield, Jeffords, Kassebaum, Lugar, Packwood, Pressler, Roth, Simpson, and Specter.

Mr. KOHL. I will yield some time to the other side if they wish to speak. How much time do we have left?

The PRESIDING OFFICER. The Senator from Wisconsin has 9 minutes remaining. The Senator from South Carolina has 7 minutes and 56 seconds.

Mr. KOHL. Would the Senator like to use a few minutes on his side?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield 2 minutes to the able Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I was not intending to come down and speak on this, but after listening to the last couple of speeches, I decided I had to speak up and comment.

I heard the Senator from North Dakota, back in my office, say that what we are doing here is neglecting to invest in human potential. If there is anything we are doing here with the defense bill—and by protecting our country—we are, in fact, doing just that. Look at all of the wars we fought and the people who have died and suffered and the country that has suffered so much through our wars. What human potential has been lost on the battlefield? You talk about human potential, look at the young men and women who have died. Look at that potential. That is gone. Educated, hard-working, bright people, trained, who gave up their lives because, in many cases, we were not ready. We did not invest in our armed services to do the fundamental mission that this Government was created for, to protect and defend this country.

Do not talk to me about wasting human potential. This prevents the waste of human potential more than any single thing we can do. To suggest otherwise, that through some feel-good Government program, if we push out more money to people to invest in their potential it is going to change the world, somehow refresh America—you know, that some new Government social welfare program is going to save money, which is what the other side would have you believe we should invest in, is not the answer.

The answer is, by creating peace and prosperity you will loose the human spirit and potential of every American and give them the opportunity, in a peaceful world, to reach their dreams. If you want human potential invested in, then you give a peaceful environment where people do not have to worry about going to war but worry about going to work.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I would like to make a comment or observe that when Senator BYRD talked about $7 billion, he talked about what an enormous sum of money that is. I do not know if he said it or not, but it is true that here in Washington we spend $7 billion as if, sometimes, it were $7,000 or $700. That is because we are used to dealing with such large sums of money, so it is not acceptable but it is understandable. But it is not acceptable.

Mr. President, $7 billion—I come from the city of Milwaukee, State of Wisconsin, but I live in the city of Milwaukee. Milwaukee is a middle-size city in our country which has a host of problems which are characteristic of the problems in our country today: crime problems, drug problems, problems with our educational systems, problems with our infrastructure, problems with our inability to train people for jobs that are availables. All the problems that exist in our society—to the degree we are not satisfied with the conditions of life in America—exist in Milwaukee.

Mr. President, for $1 billion—not $7 billion—for $1 billion, which is an imaginative sum for the city I come from, but for $1 billion we could change the face of Milwaukee for 50 years in all the areas I just discussed: The areas of crime, drugs, welfare, job training, education, infrastructure, with just $1 billion out of the $7 billion that we are going to be spending on defense unnecessarily in this next year if we do not defeat that proposal. And $264 billion is on the table. For $1 billion we could change the face of Milwaukee for the next 50 years.

So we are talking about a lot of money that could be used to improve the quality of life throughout our country without in any way taking away from the level of necessary defense which all of us support.

Mr. DORGAN. If the Senator will yield for a minute, Mr. President, I noted the Senator from Pennsylvania referred to my discussion.

I would observe for the benefit of the Senator from Pennsylvania that the list of $4.7 billion in unrequested add-ons for weapons procurement in this bill includes the following: $650 million for 2 destroyers, $564 million for Navy fighters, $216 million for Navy EA–6 aircraft, $125 million for helicopters, and for the Senator's home State, a $33.9 million procurement add-on for Army improved recovery vehicles.

It occurs to me that, at least with procurement, especially of weapons programs, it hardly protects this country's security to buy something that the Secretary of Defense has indicated he does not need. With respect to feel-good programs, I suspect that the add-ons in this defense bill might make some feel good. But, frankly, when we are purchasing what the Secretary of Defense is not asking for, it does not in my judgment make the taxpayers feel good.

We can have a longer debate about what improves or what does not improve this country's social programs or defense programs. I, too, believe we ought to have a strong defense. The point I was simply making is that purchasing what the Defense Department indicates it does not need for America's military hardly improves this country's security. But it certainly does add to the Federal budget deficit. We

are up to our neck in debt, and we have a budget deficit problem. And it seems to me that all of us ought to be concerned about that when we talk about what we purchase from whom and where and when.

Mr. KOHL. I thank the Senator from North Dakota.

I would like to yield 4 minutes to the fine Senator from Colorado, Senator BROWN.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the Senator from Wisconsin.

Mr. President, I rise in support of this amendment for one very simple straightforward reason.

Mr. THURMOND. I yield him 1 minute to express himself.

Mr. BROWN. I thank the Senator from South Carolina.

Mr. President, as I read the numbers from our budget, rather than reduce the deficit for next year, we are in danger of increasing it. Hopefully that is not the case. Hopefully my estimate is wrong. But it is quite clear that rather than showing significant deficit reduction next year that the overall budget stands perilously close to showing an increase. I think that is a more important factor that Members ought to weigh because part of the dropping interest rates in the international market and part of the confidence that is so important in retaining the value of the dollar and part of the momentum of our moving forward is based on the belief that Congress is addressing this situation and it is addressing the problem.

I have great praise for the distinguished chairman of the committee and the distinguished ranking member who have worked hard to bring this bill to the floor, and to make sure the money is spent wisely.

Do we all agree with everything that has been done? Of course not. But the overall important thing is I think for us to ask this question: Will the deficit drop next year? Will the American people be convinced we are doing our part to bring it into line? And do we have at last credibility?

Mr. President, I am convinced that our credibility and our ability to control the deficit depends on us passing this amendment.

Mr. President, I know time is tight. There are other Members who wish to speak.

I yield whatever time remains.

Mr. KOHL. I thank the Senator from Colorado for coming down to speak in behalf of this amendment. His words are appreciated.

Mr. THURMOND. Mr. President, I was under the impression the distinguished Senator from Colorado was on our side. I ask unanimous consent that what he said be charged to the other side.

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

Mr. FEINGOLD. Mr. President, I congratulate my colleague from Wisconsin, and thank him for offering this amendment today. He has been a consistent vote for deficit reduction, and I compliment him for his leadership on this issue today.

If any one amendment can highlight the absolute absurdity of the defense budget represented in this bill, this is it.

Just 3 months ago, during consideration of the budget resolution in this Chamber, 60 of our colleagues—Democrats and Republicans together—voted against an amendment to increase spending above the President's request for $257 billion. The vote spoke to the overwhelming sentiment in this body that defense spending should not be increased at precisely the time several arms control treaties are coming into force, and we are drastically cutting valued and needed domestic programs.

Nevertheless, the conference committee on the budget increased the allocation for defense spending by $7 billion. Does that mean that we are bound to spend the full $264.7 billion? Absolutely not. In fact, if we are to be consistent with what we voted in May, and if we are going to be consistent with all the rhetoric about deficit reduction, we should be authorizing, at most, the $257 billion we accepted just 3 months ago.

This amendment forces us to be faithful to the principles we voted for earlier in the name of fiscal restraint. It would indeed be hypocritical to have supported that ceiling before, but now oppose the Kohl amendment.

This $7 billion increase in this bill is especially distressing given where this money seems to be going. In December 1994, the President announced that he would propose an additional $25 billion for the defense budget over the next 5 years to cover the so-called readiness gap.

Indeed, the committee report expresses deep concern for the shortfall readiness inherent in the administration's request, but then itself doesn't fund it. In effect, it continues the same irresponsible budgeting pattern it criticizes the administration for. So, we see that the excess budget isn't helping what some were crying wolf about last year.

Instead, it seems to be going largely to homestate projects. This bill authorizes over $5 billion in unrequested weapons programs. According to an analysis by Council for A Livable World, a staggering 81 percent—or $4.1 billion—of that $5 billion plus goes to States whose Members serve on either the Subcommittee on Defense Appropriations or the Armed Services Committee.

For instance, the Pentagon's request for F–18 jets was fully doubled by the committee, as was the request for *Aegis* destroyers. In one case, the committee authorized a $1.3 billion ship for no strategic reason other than that it serves the hometown needs of its local representatives.

These add-ons, in most cases, amount to robbery of the Federal Treasury. While I hardly endorse a philosophy that Congress should simply rubber-stamp the Pentagon's budget request, I find it hard to fathom that the Pentagon underestimated its requirements by a whopping $5 billion. In my opinion, it didn't. Instead, the committee plussed up the budget in order to please Senators who wanted to deliver money—any money—to their hometowns.

If we are going to balance the Federal budget, Mr. President, we are all going to have to sacrifice. That is what we all committed ourselves to during the balanced budget amendment debate. But when it comes to actually resisting the excesses, I see little self-restraint.

That is how we get a defense bill that is $7 billion above the level we approved 3 months ago. With the Kohl amendment we have the opportunity to correct that problem, and recommit ourselves to deficit reduction.

I urge my colleagues to support the Kohl amendment.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Our time is tight here. I yield 2 minutes to the Senator.

Mr. COATS. Mr. President, I thank the Senator from South Carolina.

Mr. President, one of the myths that we are dealing with here in the debate on this defense bill is the fact that we are asking for more than what the Pentagon requested. That is technically true. The $7 billion is over and above the budget request. But member after member of the Joint Chiefs and others who testified before our committee indicated that they are complying with the number that was given to them by the administration.

The Defense Department and the spokesmen for the Defense Department have said time after time after time that there is more they need to meet the requirements for defense and to meet the strategy but they are constrained by budget numbers. Therefore, they are good soldiers, salute, and provide us with a budget that comes within the top line of the administration's budget level. But there has been testimony from everyone from the Joint Chiefs of Staff on down that we are on the razor's edge of readiness, that we are in need of research and development into new technologies, that our modernization program is in deep jeopardy, that we will not have the equipment necessary to meet the threats of the next century.

General Shalikashvili has been quoted as saying so, the head of the Marine Corps has been quoted as saying so, and the Secretary of Defense has intimated as such, and on and on it goes.

So this mantra that we are hearing from the other side that this is some kind of a wasted expenditure that the Department of Defense has not requested this, and does not need this, simply belies the truth, belies the facts

of what is necessary to provide an adequate defense for this country and what the Department of Defense really needs. They are just simply taking orders from the boss upstairs.

Mr. President, I gave a long dissertation on this very subject earlier. I will just simply say ditto to what I said earlier in the interest of time, and yield back the time.

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I oppose the amendment offered today by the distinguished Senator from Wisconsin.

Early today you heard my statement relating to defense spending levels. I have continually stated the need to ensure our national security and that defense was underfunded. The budget resolution recommends defense levels lower than I believe are necessary to maintain the readiness of our forces. The Department of Defense has done more than its share in the budget reduction efforts.

The proposed amendment reduces defense spending below the levels necessary to maintain our forces. Defense spending as a percentage of GDP is at 1940 levels. Procurement accounts have been reduced 71 percent since 1985. Continually, the Joint Chiefs have testified that we are on the brink of returning to the readiness levels of the 1970's and early 1980's.

Mr. President, our forces continue to have to deal with higher operating levels, while force structure continues to be reduced.

The Armed Services Committee worked very hard this year, within the defense levels of the budget resolution, to reverse these negative trends.

Mr. President, I just want to say that I was here when President Reagan was President. President Carter had let our defenses go down. He was a good man, but that is what happened. When President Reagan came in, he asked the Congress to increase defense. He said we needed it to protect this country. Congress responded favorably and increased defense.

Then the Soviets felt they had to increase theirs to compete with us, and in doing so, though, they could not increase their defense and also take care of the local economy, and that is the reason the Soviet Union went down the drain. It was President Reagan's action to increase our defense which the Soviets could not meet, and the Soviet Union went down the drain.

We must keep a strong defense. We are living in a dangerous age. We should not think about cutting this $7 billion. We need it. Our soldiers need this. They need better quarters. They need more training. We need more ships and more planes, and we need more tanks. How are we going to get those? How are we going to defend the American people?

After all, the primary purpose of Government is to protect its citizens. How can we better protect our citizens and keep a strong defense? Under our Constitution, our people have more freedom, more justice, more opportunity and more hope than any people in all of history. How are we going to keep that if we go cutting defense down below what it ought to be?

I say to the people who do not favor, who do not understand defense, you better study. You better study history. Why did we lose people in World War I, World War II, the Korean war, the Vietnam war? Simply because we were not prepared. If we had been prepared, we would not have lost so many thousands of people. We must keep this country prepared.

I say to those in the Senate here today, the most important thing we can do is to keep this country prepared.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wisconsin.

Mr. KOHL. I yield 2 minutes to the Senator from New Jersey, [Mr. LAUTENBERG].

Mr. LAUTENBERG. I thank the Senator from Wisconsin.

Mr. President, just very briefly, because we are out of time, but the time that remains is the time during which we ought to think very carefully about what we are doing.

When most people talk about budget cuts, they talk about the cuts contained in programs, frankly, that are going to hurt middle- and lower-income Americans, cuts in taxes which will benefit the richest among us. But while most areas of spending have been cut, one has been increased, and that is, of course, the defense bill, the defense bill designed to be $7 billion over that which was originally requested, $25 billion more over the period of time, $25 billion that could go to fix Medicare or fund education or protect the environment or build needed housing—$25 billion, a lot of money.

But apparently it was not enough. The House version of the budget resolution boosted defense spending by another $7 billion in fiscal 1996, and this was such an overreaching case that even the Republicans in the Senate repudiated it when we considered our budget resolution. The Senate rejected an amendment that raised defense spending to the House level, and yet during the conference the House number survived—no compromise by splitting the difference, just a total victory for the House position.

The amendment by Senators KOHL and GRASSLEY would take us back to a sensible level.

Mr. President, I hope that we will do that and reduce this bill by $7 billion. The one thing that we do know is that if we are going to build strength, strength that survives, strength that endures, you have to build it internally. No matter how much you build externally, you will never be a safe, strong country unless you invest in the society domestically.

I thank the Chair.

Mr. KOHL. I thank Senator LAUTENBERG for his outstanding comments. We appreciate them very much.

I would like to yield 1 minute to a senior member of the Armed Services Committee, the Senator from Nebraska, [Mr. EXON].

Mr. EXON. I thank my colleague from Wisconsin. I will be supporting the amendment that he has offered.

This is the same debate as with the amendment that was offered by myself and my colleague, Senator GRASSLEY, last year on a very similar matter. There has been a lot of heated rhetoric today. As a hawk, I stand here and tell you that this Defense authorization bill is a fat turkey. But we have not really talked about the real fat. The $7 billion is a drop in the bucket. If you will look at what is inaugurated in this bill, it is billions if not trillions in the future. I am fearful that unless the people who are supporting this agree to raise taxes, of all things, you are going do see a decline in the quality of people who serve in the Armed Forces.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. It is going to defense contractors and not where it belongs.

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute remaining.

Mr. KOHL. I thank the Senator from Nebraska. We appreciate very deeply his comments.

Before I speak, does the Senator from Iowa wish to wrap up for a minute?

Mr. GRASSLEY. We have heard, Mr. President, about the needs being so great and that people in the Pentagon, regardless of what the President says is our level of expenditure, regardless of what the Commander in Chief says should be our level of expenditure, say we can always use more. It reminds me of the days in the State legislature; the president of the university would come in and say the needs are so great——

Mr. INHOFE. Will the Senator yield?

Mr. GRASSLEY. And from that day I never heard anybody say when enough is enough.

Mr. INHOFE. Will the Senator yield?

Mr. GRASSLEY. And I never heard anybody say in this debate when enough is enough. We have reached the point where we have to start putting priorities first.

Mr. INHOFE. Will the Senator yield?

Mr. GRASSLEY. And our priorities ought to be where we get to a balanced budget, meet the basic defense needs of our country and balance the budget.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KOHL. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Mr. President, reserving the right to object, if the Senator——

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Has the Senator from Wisconsin asked unanimous consent for an additional minute above the time that was allocated?

The PRESIDING OFFICER. That is correct.

Mr. COATS. And is it not correct the Senator has already had 1 hour 15 minutes and this side has had 15 minutes? Is that the correct allocation?

The PRESIDING OFFICER. That is correct.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. I certainly want to accommodate anybody I can, but we gave the opposition 1½ hours. We only took 15 minutes. I object to any further extension of time.

The PRESIDING OFFICER. Objection is heard. The question is now on agreeing to the amendment.

Mr. THURMOND. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

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

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—51

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Burns	Hatch	Nunn
Campbell	Heflin	Packwood
Chafee	Helms	Pressler
Coats	Hutchison	Robb
Cochran	Inhofe	Santorum
Cohen	Inouye	Shelby
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Snowe
D'Amato	Kyl	Specter
DeWine	Lieberman	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner

NAYS—46

Akaka	Exon	Kerrey
Baucus	Feingold	Kerry
Biden	Feinstein	Kohl
Bingaman	Ford	Lautenberg
Boxer	Glenn	Leahy
Bradley	Graham	Levin
Breaux	Grassley	Mikulski
Brown	Gregg	Moseley-Braun
Bryan	Harkin	Moynihan
Byrd	Hatfield	Murray
Conrad	Hollings	Pell
Daschle	Jeffords	Reid
Dodd	Johnston	
Dorgan	Kennedy	
Rockefeller	Sarbanes	Simpson
Roth	Simon	Wellstone

NOT VOTING—3

Bumpers	Pryor	Stevens

So the motion to table the amendment (No. 2119) 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. DOLE. 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. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, we are going to get time agreements on three amendments here so that some of our colleagues who have obligations off the Hill for the next hour and a half can do that and come back and have the votes stacked at that time.

First, I ask unanimous consent that the amendment of the Senator from Iowa, [Mr. HARKIN], concerning burden sharing be considered under the following time limits: 35 minutes; 25 minutes to Senator HARKIN and 10 minutes to Senator THURMOND; and further, that no second-degree amendments be in order prior to a motion to table.

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

Mr. DOLE. The Levin amendment on the Guard-Reserve package I ask unanimous consent be considered under the following time limitation: 30 minutes; 20 minutes to the Senator from Michigan, Senator LEVIN, and 10 minutes to Senator THURMOND; and that no second-degree amendment be in order prior to a motion to table.

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

Mr. DOLE. And Senator GLENN from Ohio wanted an hour, so I ask unanimous consent the amendment of the Senator from Ohio, Senator GLENN, concerning service academies be considered under the following time limitation: 40 minutes, divided between Senator GLENN, who has 30 minutes, and then Senator THURMOND has 10 minutes; and no second-degree amendments be in order prior to a motion to table.

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

Mr. DOLE. That would mean 1 hour 45 minutes, if all time is used. Most of it is apparently used around here. Members can plan their return if they are leaving.

Mr. THURMOND. Mr. President, I just want to say that we plan to finish this bill tonight. We have a lot of amendments yet, and as short a time as we can take on each, we will get through quickly. We do plan to finish this bill tonight.

AMENDMENT NO. 2121

(Purpose: To provide for reduction of U.S. military forces in Europe in relationship to any deficiency in allied defense burdensharing)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for himself, Mr. ABRAHAM, and Ms. SNOWE, proposes an amendment numbered 2121.

Mr. HARKIN. 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 371, after line 21, insert the following:

SEC. 1062. REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE.

(a) END STRENGTH REDUCTIONS FOR MILITARY PERSONNEL IN EUROPE.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), but subject to subsection (d), for each of fiscal years 1997 and 1998, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) in accordance with subsection (b).

(b) REDUCTION FORMULA.—

(1) APPLICATION OF FORMULA.—For each percentage point by which, as of the end of a fiscal year, the allied contribution level determined under paragraph (2) is less than the allied contribution goal specified in subsection (c), the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), and subsection (a) of this section (if applicable), for the fiscal year in which the allied contribution level is less than the goal specified in subsection (c).

(2) DETERMINATION OF ALLIED CONTRIBUTION LEVEL.—To determine the allied contribution level with respect to a fiscal year, the Secretary of Defense shall calculate the aggregate amount of the incremental costs to the United States of permanently stationing United States forces ashore in European member nations of NATO, and the foreign labor compensation costs of United States military installations in European member nations of NATO, that are assumed during that fiscal year by such nations, except that the Secretary may consider only those cash and in-kind contributions by such nations that replace expenditures that would otherwise be made by the Secretary using funds appropriated or otherwise made available in defense appropriations Acts.

(c) ANNUAL ALLIED CONTRIBUTION GOALS.—

(1) GOALS.—In continuing efforts to enter into revised host-nation agreements as described in the provisions of law specified in paragraph (2), the President is urged to seek to have European member nations of NATO assume an increased share of the incremental costs to the United States of permanently stationing United States forces

ashore in European member nations of NATO and the foreign labor compensation costs of United States military installations in those nations in accordance with the following timetable:

(A) By September 30, 1996, 37.5 percent of such costs should be assumed by those nations.

(B) By September 30, 1997, 75.0 percent of such costs should be assumed by those nations.

(2) SPECIFIED LAWS.—The provisions of law referred to in paragraph (1) are—

(A) section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545);

(B) section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1824); and

(C) section 1304 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2890),

(d) EXCEPTIONS.—

(1) MINIMUM END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (a), the Secretary of Defense may maintain an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(2) WAIVER AUTHORITY.—The President may waive operation of this section if the President declares an emergency. The President shall immediately inform Congress of any such waiver and the reasons for the waiver.

(e) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (a), the reduction shall be used to make a corresponding increase in the end strength levels of members of each of the Armed Forces of the United States assigned to permanent duty ashore in the United States or in other nations (other than European member nations of NATO). The Secretary of Defense shall allocate the increases in end strength levels under this section.

(f) INCREMENTAL COSTS DEFINED.—For purposes of this section, the term ''incremental costs'', with respect to permanent stationing ashore of United States forces in foreign nations, has the meaning given such term in section 1313(f) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2895).

Mr. HARKIN. Might I inquire as to the time? I understand we have 25 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, this bipartisan amendment is about burdensharing, but more importantly, it is about fairness. It calls on our allies in Europe to share more of the financial burden of their own defense.

This year, American taxpayers are being asked to pay $6.1 billion for nonpersonnel costs associated with keeping our troops in Europe. At a time when we face large budget deficits, when we are considering large reductions in investments in our own people's education, health, housing, transportation, everything else, we clearly can no longer afford to bear such a large part of the costs of our well-to-do allies' defense.

Therefore, our amendment would require that our NATO allies pay for 75 percent of the incremental costs. That is, the extra cost of our basing our forces in Europe, and 75 percent of the cost of foreign employees of U.S. forces based in Europe.

Mr. President, this is a very moderate amendment, a bipartisan compromise. We are not demanding that they pay 100 percent of the costs. We are not even asking them to bear 75 percent of all of the costs as the other body did by a wide margin last month.

As I said, we are not demanding they pay 100 percent of the cost, or even 75 percent of all of the cost. That is what the other body did last month. In an honest bipartisan effort to begin to make the distribution of costs fairer, our amendment requires a two step increase to 75 percent in payments by our allies of the added cost to U.S. taxpayers of keeping our troops overseas and paying foreign nationals who work on our bases overseas.

Under this amendment, our allies' share of these costs would rise to 37.5 percent in 1997, 75 percent in 1998 and thereafter. Today, they pay much less.

If our allies then do not cover the incremental costs, we would withdraw 1,000 of our troops for every percentage point less than their required share, but leaving a minimum of 25,000 troops in Europe.

Mr. President, payments by European nations would come to about $6 billion over the 4-year period from 1997 to the year 2000. If they met none of their increased requirements and we had to bring our forces home under this amendment, the American taxpayers would still save $1.45 billion over the same 4 years because it costs less to base them in the United States.

This is truly a modest amendment. As I said before, the House DOD authorization bill includes a much broader provision. That passed by 117 votes in the House, 273–156.

Now, the House version requires they pay 75 percent of the entire nonsalary costs of our troops. The House version also called for a reduction of U.S. forces equal to half of those soldiers who might return to the United States because of a failure of the Europeans to pay a fair share of the costs.

Mr. President, if this was a pure business deal and the United States was a police agency providing security for a client, then we would be clearly justified in charging our allies for all of the security operation and not just 75 percent of the incremental cost.

Mr. President, we are all justifiably proud of the role we played in Europe, both during World War II and after World War II. The Marshall plan stands as a monument to American generosity and the concern for our fellow citizens around the world.

Now our European allies are doing much better—their standard of living is equal to ours, in many cases better than ours. But we have continued to ask the American taxpayer to bear a disproportionately large part of the cost of Europe's defense. Europeans, frankly, and simply, are not paying their fair share.

We Senators have different priorities but we agree on two things. We agree we must move toward a balanced budget, and we know it is going to be a painful process with many programs being cut.

I know we will hear arguments about our need to maintain our forces in Europe. Those same arguments were made when we put strong requirements on Japan. Japan is now paying close to a fair share because we took a strong position. Japan can afford it. So can the Europeans.

Right now, in cash payments for United States forces, Germany paid a mere $61 million in 1995. Mr. President, $44 million of that was to pay for the labor costs of their own nationals working on our bases.

They are really not paying much. The United Kingdom, Italy—the United Kingdom paid $40 million, Italy only paid $6 million respectively, and again most of that went for the employment of their own people on our bases.

Let us compare that to what we did with Japan. After it became clear that our troops might be withdrawn from Japan, Japan came across. Right now, they are paying $918 million a year cash for the cost of their people employed on our bases, and paying over $3 billion a year in other costs.

If we did not make them do it they would not do it, of course not.

Those ongoing payments is money the Armed Services Committee does not have to authorize. It is money the Defense Subcommittee, on which I serve, does not have to appropriate. And, most important, it is money the American taxpayers do not have to come up with.

As we move to reduce our expenditures and balance our budget, as we ask college students to take cuts, our elderly, our children, is it not time we ask our European friends to pay a little bit more for the burden of their own defense?

It is a very modest amendment, a very modest one. It will make it a little bit fairer.

Again, I summarize, Mr. President. Here is what this amendment does. If it costs $1 to station a troop in the United States and it cost $1.20 to station that same troop in Europe, then our European allies would only have to pay 75 percent of the 20 cents. They would only have to pay 15 cents of that incremental cost. Plus they would have to pay 75 percent of the costs that we incur to employ their own people working on our bases.

There are two parts of this. They would have to pay 75 percent of the incremental costs and they would have to pay 75 percent of what it costs to employ their own people on our bases.

If they do not meet this requirement by October 1, 1996, they have to pick up 37.5 percent; by October 1, 1997 they would have to pick up 75 percent. If they do not meet those two goals, then we would bring back 1,000 troops for every percentage point under that—either under the 37.5 percent, beginning

next year, or the 75 percent beginning in 1997.

But we would leave a bottom line level of 25,000 troops in Europe.

If that happens, if Europe pays under this very modest provision, if Europe pays, our taxpayers will receive $6 billion over those 4 years.

Mr. President, again I ask to have printed at this point in the RECORD a letter from a Mr. Stephen Daggett, Specialist in National Defense, from the Congressional Research Service.

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

CONGRESSIONAL RESEARCH SERVICE
THE LIBRARY OF CONGRESS
Washington, DC August 3, 1995.

To: Hon. Tom Harkin, Attention: Richard Bender

From: Stephen Daggett, Specialist in National Defense, Foreign Affairs and National Defense Division.

Subject: Potential savings from increased allied host nation support contributions.

This is in response to your request for an estimate of potential savings to the United States if European allies agree to provide increased host nation support contributions. Specifically you asked how much would be expected if the allies were to pay increasing shares of (1) incremental costs of U.S. forces deployed in Europe and (2) costs of foreign national labor at U.S. facilities in Europe. Allied shares would be 37.5% in FY 1997 and 75% each year thereafter.

It is possible to provide only a very rough estimate of incremental costs of U.S. forces deployed in Europe. According to testimony in the past by senior U.S. military officials, the U.S. European Command has estimated that it is 10 to 20 percent more expensive to deploy U.S. troops in Europe than in the continental United States. The most recent Defense Department report on funding of U.S. forces overseas projects direct costs of troops in Europe of $9.8 billion in FY1997, including costs of military personnel, operation and maintenance, family housing, and military construction. (For a discussion of incremental costs and sources of data, see ''Defense Budget: Alternative Measures of Costs of Military Commitments Abroad,'' CRS Report 95–726 F, which is attached.) These costs should remain stable in the future, since the U.S. troop level in Europe will, under current plans, stabilize at 100,000 from FY1997 on. If incremental costs are assumed to be 15% of the total, then they would amount to roughly $1.5 billion per year. Annual host nation support contributions, therefore would be as follows:

[Dollars in millions]

	Percent	Cost
Fiscal year:		
1997	37.5	$563
1998	75.0	1,125
1999	75.0	1,125
2000	75.0	1,125

Potential increased host nation payments for the costs of foreign national labor compensation can be estimated more precisely. The attached table shows estimated year by year figures for Germany, Italy, and Spain, the only European allies for which DOD has provided data on foreign national labor costs.

POTENTIAL AMOUNTS OF INCREASED HOST NATION CONTRIBUTIONS FOR FOREIGN NATIONAL LABOR COMPENSATION

[Current year dollars in millions]

Fiscal year	Total foreign national labor compensation	Increased host nation percentage share	Host nation foreign national labor compensation if allies increase share
Germany:			
1996	653	0.00	0
1997	642	37.50	241
1998 [1]	661	75.00	496
1999 [1]	681	75.00	511
2000 [1]	702	75.00	526
Italy:			
1996	30	0.00	0
1997	30	37.50	11
1998 [1]	31	75.00	23
1999 [1]	32	75.00	24
2000 [1]	33	75.00	25
Spain:			
1996	30	0.00	0
1997	30	37.50	11
1998 [1]	31	75.00	23
1999 [1]	32	75.00	24
2000 [1]	33	75.00	25
Three country total:			
1996	713	0.00	0
1997	702	37.50	263
1998 [1]	723	75.00	542
1999 [1]	745	75.00	559
2000 [1]	767	75.00	575
Five-year total:			1,940

Source.—CRS calculations based on data from Department of Defense, ''Host Nation Support: FY 1996/97 Budget Estimates,'' May 1995.

[1] FY 1998–2000 figures assume 3 percent per cost growth starting from the FY 1997 level.

Mr. HARKIN. I yield the floor and I yield whatever time the Senator from Maine would require.

Ms. SNOWE. I thank the Senator for yielding.

Mr. President, I am pleased to join in cosponsorship with Senator HARKIN and Senator ABRAHAM, from Michigan, on this very important amendment. I think Senator HARKIN certainly explained the framework of this amendment and the reason for having such an important amendment to this defense authorization.

It is a very simple, straightforward amendment. The question is why can our allies not pay more for their own defense?

In response it has been argued in the past and rightfully so that the threat against NATO was compelling and that our allies were spending their fair share by what they invested in their own forces. Moreover, we recognized the ominous threat the allies were facing from the Warsaw Pact nations as well as the threat from the Soviet Union. So, obviously it was not an appropriate time to discuss that we will fairly apportion the cost of our troops in Europe. Certainly it was in our mutual security interests. It certainly was not a time that we should say we are going to withdraw our forces from Europe unless they pay more for the support. That certainly could have, potentially, split the alliance at the time when unity was needed to face down the Soviets.

NATO has been a very successful alliance, the most successful military alliance in the history of the Western World. It was designed with a single purpose, to confront and deter the Soviet military threat to Western Europe. We all recognize now that level of threat has been dramatically diminished with the collapse of the Soviet empire and the collapse of the Berlin wall. We now have to decide, and NATO is deciding, its future mission. But in the meantime we have a right to expect more from our allies, in terms of providing for the support of our troops in Europe.

What we are talking about in this amendment is the aggregate of the incremental costs in the foreign labor costs associated with having American troops in Europe. The total cost is estimated, in 1997 to be $9.8 billion. If, as has been estimated, the incremental costs are to be anywhere from 10 to 20 percent we are talking about $1.5 billion.

We are asking our allies by the year 1998 to pay 75 percent of those incremental costs. So that is about $1.1 billion for each year thereafter.

Then of course the foreign labor costs. There are tremendous disparities in terms of how much Japan pays for the costs of our troops to be stationed in that country, compared to our European allies. In 1990, we reached an agreement with Japan that they now pay 77 percent of the costs of our troops there. They have stepped up their contributions dramatically. They are assuming the burden. We had the same arguments then that we are going to, I am sure, have now with respect to opposition to this amendment. But Japan currently pays 77 percent, approximately $4.2 billion of the United States military nonpersonnel costs incurred by the stationing of our troops in Japan.

In contrast our European allies collectively contribute 24 percent of the military costs. To put it another way, Japan pays the Department of Defense in direct contributions, $3.466 billion for 45,938 American personnel stationed in Japan, or an average of $75,450 per American soldier.

On the other hand, Europe pays the Department of Defense only $60 million direct contributions for the 116,190 American military personnel stationed in European NATO nations, an average of just $516 per soldier.

So now we are asking the allies to assume a greater share of the cost, 37.5 percent by fiscal year 1997 and 75 percent for every year thereafter.

I think it is an important issue in a year in which we passed a budget resolution that establishes a framework for a balanced budget by the year 2002. It becomes all the more important to achieve those savings, and in a year in which we are going to be considering a Base Closing Commission's report in which many communities will be seriously impacted by the closure of bases all across this country, in which these savings could help to ease that economic impact, in a year in which we are bringing down the cost of our own defense, we think it is important to be able to even provide some of these savings towards the operation and maintenance accounts of our Armed Forces.

There are many uses that we could provide with the savings that would be

offered by this requirement if our allies were to have more of our fair share. Frankly, I think this amendment would give strength to the negotiations between the United States and our allies with respect to increasing their contribution to the support of our troops abroad.

I think this is only in the interest of the American taxpayer. The end of the cold war certainly should really result in savings for us as we have drawn down and will continue. But it does provide for a threshold of troops abroad. It also provides a waiver authority for the President in the event of an emergency.

But the fact of the matter is, I think we are talking about responsibility. This amendment is not about isolationism. It is not about withdrawing our troops from Europe. What it is about is shared responsibility. And, frankly, I think our European allies have been avoiding that responsibility.

So at a time when we are supposed to be tightening our belt because of the cuts we will have to make, in a time when community and local and State governments are going to face reduced contributions from the Federal Government, I think is only fair and reasonable to ask our European allies to do the same.

So, Mr. President, I urge all of my colleagues to support this amendment.

Mr. ABRAHAM. Mr. President, I rise today to join my colleague from Iowa in offering this amendment linking U.S. force levels in Europe to the effort our European allies make in sharing the costs of NATO defense. For too long we have applied a cold war rationale for the United States to carry the European burden, when the underlying, U.S. national security interests no longer apply.

It costs us 10 to 20 percent more to station a soldier, sailor, marine, or airman in Europe than it does to keep him in the United States. Furthermore, we hire thousands of civilian foreign nationals to work for the U.S. military forces in Europe, civilians who pay taxes to the host government, spend their money in the host country, and never will spend a cent in the United States. This amendment addresses this inequity by requiring our European allies to pay for a portion of the defense we provide them.

I know the House recently passed a measure similar to this, but included all nonpersonnel costs incurred by U.S. forces in European NATO countries as the basis for their burdensharing calculations. My fellow sponsors and I do not believe this is fair, as it requires the Europeans to incur obligations for costs we would incur if these same troops were stationed in the United States. We have therefore changed that language accordingly to incremental costs. But even then, significant revenues can be derived.

The Congressional Research Service has calculated U.S. incremental cost in Europe as roughly $1.5 billion per year. This would provide approximately $1.125 billion in host-nation support contributions per year under this amendment's formula. Furthermore, having the Europeans contribute 75 percent to the foreign national labor compensation costs incurred by the United States would yield an additional $575 million per year by the year 2000, for a total of host nation support contribution of $1.7 billion per year.

This is not an unreasonable demand. We, for too long, have sought negotiated settlement and passed sense-of-the-Congress resolutions that the Europeans should pay more for the costs we incur in defending their lands. Last year's Defense Authorization Act called for the Europeans to ''assume an increased share of the nonpersonnel costs so that by September 30, 1996, those nations have assumed 37.5 percent of such costs.''

This goal is far onerous than that provided by this amendment. It is not fair to expect our European allies to absorb a portion of all our troop costs, but it is fair to expect them to absorb a portion of those costs unique to operating in their countries, that is, incremental costs. This amendment does just that, but also introduces another critical source of host nation support.

In fiscal year 1995, Germany provides only 6 percent of the foreign national labor compensation costs incurred by the United States in Germany, while the United Kingdom provides 9 percent and Italy provides 16 percent. Japan, on the other hand, contributes 94 percent of the United States foreign national labor compensation costs.

When the United States agrees to keep 100,000 troops in Europe to provide the Europeans with that added sense of security, it is preposterous to expect the United States to pick up over $725 million in wages. This is not another U.S. jobs program, and the Europeans should not expect the United States to pick up this tab.

Now I know the administration is opposed to this measure because the Europeans are supposedly suffering from particularly acute economic problems, that they contribute to other programs such as the NATO Infrastructure Program, and that previous host nation support requirement proposals would fall disproportionately on Germany and the United Kingdom.

I disagree strongly with this rationale. I challenge any of my colleagues to stand up and claim the United States should bear the brunt of a modern industrial economic state's economic well-being given today's strategic environment. Can anyone honestly state that it is our responsibility to cover European defense costs because they suffer from high unemployment? That, Mr. President, is simply international welfare.

But even if we accept that responsibility, we already are bearing disproportionate costs of European defense. While the United States spends over 20 percent of its Federal budget on national defense, the Europeans pay only 6.2 percent. Furthermore, while the United States expends 4.4 percent of our gross domestic product on national defense, the Europeans spend only 2.5 percent on national defense. This translates to the United States spending over 250 percent more per capita on defense than the Europeans. I could understand the objections to this proposal if the Europeans were closer to matching us on defense spending. But the fact of the matter is, they aren't even close, and that is just not fair.

What makes this amendment unique to previous requests for greater European host nation support is its enforcement mechanism. This is not a proposal aimed at further reducing our presence in Europe. Rather, it recognizes the value the Europeans place upon the presence of U.S. troops, and utilizes them to compel European burdensharing. There is no reason the Europeans cannot share in those costs unique to our troops living and operating in their countries. This presence directly and materially contributes to the national security of our European allies outside of any NATO context. Considering the markedly lower level the Europeans pay for their national defense, it would appear they need our troops to provide a measure of their security. Therefore, European cost sharing can most efficiently be compelled by the threat of troop pullouts.

We have passed sense-of-the-Senate resolutions over the last 15 years requesting the administration seek greater European defense spending and host nation support, yet we still find ourselves bearing the lion's share of NATO spending, even when accounting for relative size and national security interests. I believe the Europeans have come to depend on the United States to provide for their common defense, even when they are fully capable of providing at least a greater portion of that defense themselves. It is not fair to the American taxpayer to force their taxes to go to Europe in what is essentially international welfare to strong, democratic, industrially advanced countries.

It is because of the savings provided by this amendment to the taxpayer that Citizens Against Government Waste supports this amendment. They understand this issue: it is not fair to the American taxpayer to allow the Europeans a free ride on something as critical as national defense, when they are fully capable of paying their fair share. Furthermore, the only instrument that will work in forcing European support is the threat of U.S. troop pullouts. Finally, the requirements this amendment places on European support are fair, reasonable, and easily attainable. Therefore, Mr. President, I call on all my colleagues to stop this coddling of our European allies and tell them to pay their fair share. Vote for the Harkin-Abraham-Snowe amendment to rectify this inequity.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I rise in opposition to this amendment. This amendment has the potential of possibly reducing our current 100,000 troops in the European theater by as much as 50 percent.

Mr. President, let us go immediately to what that impact would be in many areas of that region.

United States troops are stationed in Europe not simply because of the interests of NATO. But they are there in the need of other areas of the world. That is often lost. They are there primarily with our allies in NATO for such missions as may be assigned to NATO, an example being, of course, that in the Bosnian region today. But they are there at the direction of the President of the United States and with the concurrence of the North American Council to operate in other areas of that region when it is in the strategic interest of the United States. They not only contribute to the stability of Europe but also allow us to more rapidly respond to contingencies in this region.

For example, in the recent past United States troops stationed in Europe have responded on a moment's notice to the Iraqi invasion of Kuwait, the humanitarian crisis in Somalia and Rwanda, and a variety of operations in the former Yugoslavia. Currently, United States European-stationed troops are involved in Operation Provide Comfort to assist the Kurds in northern Iraq, Operation Southern Watch to monitor Iraq activities in southern Iraq, Operation Deny Flight to enforce the no-fly zone over Bosnia, Operation Able Sentry in Macedonia, and Operation Sharp Guard in the Adriatic.

Mr. President, this amendment, while it may have some fiscal attractions on its face, would devastate absolutely, unequivocally, the ability of this President and any future President to respond very quickly to many contingencies in that region. And, therefore, I vigorously oppose the amendment.

I would like to yield such time as my distinguished colleague from Georgia may require.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I would like to ask the Senator from Iowa a couple of questions about the amendment and make sure I understand it.

As I understand the amendment, the Senator is setting up a formula tied to the incremental cost of stationing U.S. forces in NATO. Is that right? Is it confined to NATO countries?

Mr. HARKIN. Yes. It is confined just to NATO countries.

Mr. NUNN. The incremental costs—how would the Senator from Iowa define incremental costs?

Mr. HARKIN. Over and above what it costs to base them here in the United States.

Mr. NUNN. Do we have that kind of base cost anywhere? Has anybody computed incremental cost so that we know what that incremental cost is or how they compute the incremental cost?

Mr. HARKIN. I am told it was defined in last year's DOD authorization, that it would have to be computed by the Department of Defense.

Mr. NUNN. Would the Secretary of Defense decide the incremental cost would be based on what it would cost to station those troops at Fort Stewart, GA, or would he pick out Fort Lewis, WA, or would he pick out what it would cost to station them right outside New York City?

There is a variation in the cost all over the United States. If you stationed United States troops in Hawaii near an impacted area, or San Diego, the costs are much higher than someplace else in the United States—I suspect higher than in Europe.

Does the Secretary of Defense have total discretion to determine under this amendment what is an incremental cost and then determine where these troops would be stationed as a comparative basis in the United States?

Mr. HARKIN. I just respond that when I asked the CRS to do some studies on this—I will read from it, and I will put it in the RECORD. I thank the Senator for yielding to me on this.

It is possible to provide a rough estimate of incremental costs of U.S. forces in Europe. According to the testimony in the past by senior U.S. military officials, the U.S.-European command has estimated that it is 10 percent to 20 percent more expensive to employ U.S. troops in Europe than in the continental United States.

I can only assume they did this on some kind of weighted average depending upon what the average was based on in the United States, and add it all, take an average, then take a look at Europe and add it up. Some places in Europe are more expensive than others; add it up, add the average, and add the average here, and that is the incremental cost.

Mr. NUNN. It would be based on the average cost and add the differential cost, and the baseline year would be what year?

Mr. HARKIN. I am sorry. I believe that the baseline year would be 1996.

Mr. NUNN. The first year of application would be what year?

Mr. HARKIN. 1997, October 1.

Mr. NUNN. Would that be a fiscal year calculation or calendar?

Mr. HARKIN. Fiscal year.

Mr. NUNN. The other question I would ask my friend from Iowa is, who is the responsible party to pay for this? Is this an alliance requirement? Is this the whole NATO alliance that would be required to pay this, or is this country by country?

Mr. HARKIN. It would be paid by countries. But the assessment is shared.

I might add for my friend from Georgia that we did the same thing in Japan. So we can model it basically after what we have done in Japan. We have experience in this.

Mr. NUNN. Would, for instance, the Germans pay for all the incremental costs if you have United States forces stationed on the ground in Germany?

Mr. HARKIN. Germany would pay. That is my understanding.

Mr. NUNN. I do not read the amendment that way. That is the reason I am asking. I read it as an alliance obligation.

Mr. HARKIN. I am sorry, what was that question?

Mr. NUNN. I am trying to see whether this is an obligation of the alliance. For instance, we do not have any forces in Norway. We have very few forces in the southern flank of Turkey. We now have forces in Italy related to Bosnia.

Let us just take that, for example. We have a number of Air Force personnel in Italy related to the Bosnian situation. That is an alliance obligation. Italy allows units to use bases there for the purpose of flying those protective Bosnian flights, Deny Flight. Would Italy be responsible for reimbursing the United States for those incremental costs or would the whole NATO alliance be responsible?

Mr. HARKIN. I think that is something that could be worked out between Italy and the other member countries in that case. If in fact other countries were basing their planes there, if it was a NATO requirement that they use a base in Italy to fly out of, then I would think that all countries in NATO would be responsible for that. This can be, and would be negotiated.

Mr. NUNN. I say to my friend from Iowa, that is the way all the forces that we have in Europe are viewed by the NATO alliance. They are viewed as military personnel that really are there for an overall NATO mission.

So, for instance, the Germans would, I would imagine, be rather resentful at this stage of us saying that those troops that we have in Germany are all there to protect Germany.

There is no longer a threat to Germany as we have had in the past. Our forces are in Europe primarily, as the Senator from Virginia said, because we feel that having forward-based forces in Europe allows us to play a worldwide role, not just a NATO role. For instance, the forces in Europe that we had there were forces that deployed to the Middle East in Operation Desert Storm. Would we expect Israel to pay part of the cost of forces in Europe or would we expect Saudi Arabia to pay part of the forces in Europe because those forces are likely to go there in the event of conflict, or do we want Germany to pay the cost of those forces when they are not primarily at this stage to defend Germany; they are there basically for a much broader purpose?

That is the problem with this amendment, I say to my friend.

Mr. HARKIN. If I could——

Mr. NUNN. We have shifted considerable in the mission of U.S. forces in Europe. It used to be they were there specifically to protect invasion from the Warsaw Pact. Now they are there, about a third the number; we have drawn down from 300,000 to 100,000. So we have now supposedly leveled off.

The amendment, as I understand it, could conceivably, if nobody was willing to pay this cost, take our forces down to 25,000. Is that right?

Mr. WARNER. Mr. President, if I could——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. I ask unanimous consent that the time within the control of the Senator from Virginia be increased by 3 minutes, with a corresponding increase for the Senator from Iowa.

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

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes and 29 seconds.

Mr. NUNN. Mr. President, I will just close out.

That is the last question. The 25,000 would be the level below which the Senator would not go even if there was a total failure of them to pay the burden share?

Mr. HARKIN. Precisely.

Mr. NUNN. Mr. President, if I could just close, I understand where the Senators are coming from on this, and I agree with their overall thrust. I would like to see our allies pay more. But this amendment is a cold war amendment that is based on the concept that we are defending every country where our troops are stationed and that they should therefore pay their part, when these countries are not going to view it that way.

That may be the way the authors of this amendment view it, but that is not going to be the way the Germans view it or anyone else. If you ask someone in Poland, for instance, what they think about the United States drawing down our forces to 25,000, they will tell you in a minute that that is going to be destabilizing. But Poland is not going to be expected to pay any part of this. If you ask someone in Czechoslovakia should we draw down our forces, not from 300,000 to 100,000, but on down to 25,000, they will tell you in a minute we do not want you to draw down your forces. We feel they are needed there in a critical way now for stability purposes. If you ask someone in Hungary the same question, they will tell you the same answer.

So this is a much broader application. We are not there simply to protect Germany. We are there because we are a world leader. We play a big role in the world. If we want to see things destabilize, then we can bring all our forces home and then watch the chaos take place as we watch what is happening in Bosnia today.

Mr. President, I understand the motive of this amendment, but I urge its defeat. I think it needs to be thought through a lot more carefully than is apparently the case at this point in time.

Mr. WARNER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Virginia has 1 minute and 10 seconds.

Mr. WARNER. Mr. President I would like to pose a question to our colleagues to be joined by my distinguished partner here, the Senator from Georgia.

As we look at this amendment, this is an alliance-wide type of amendment, is that correct?

Now, there are 16 nations in NATO of which we are one. So with the other 15, let us take, for example, that 10 or 12 of the other 15 reach the requirements in the Senator's amendment but there were one or two that failed. The way we read the amendment, it does not make any difference if 14 of them met their requirements and one failed; the amendment is triggered.

So I ask the question to my colleague, am I not correct in that analysis?

Mr. HARKIN. If I might respond——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I will ask unanimous consent——

Mr. WARNER. Mr. President, I say to my colleague, the Senator has 9 minutes.

Mr. HARKIN. I will answer on my time, Mr. President.

The PRESIDING OFFICER. The Senator has 12 minutes and 5 seconds.

Mr. HARKIN. The Senator asks a legitimate question. To a certain extent he is partially right. Let us say they came up with 60 percent, and they were only 15 percent short. Then other countries could come in and pay that 15 percent. It would be legitimate.

Now, again, the amendment envisions that in the case of what the Senator from Georgia said, where you had, let us say, Poland might be a little disturbed or some other country that was not perhaps in NATO or something, well, this allows room for negotiation.

Ms. SNOWE. Will the Senator yield?

Mr. HARKIN. I yield to the Senator.

Ms. SNOWE. The amendment is designed to allow other countries to participate in payment of those costs, for example to assist Germany. There is nothing complicated about this amendment. The Department of Defense issues a report on host nation support. I bet they could figure it out. It is not that complicated. We are asking them to pay a fair share. They know what they pay; we know what they pay; and it is not enough. We are asking them just to pay more. It costs us $9.8 billion. The U.S.-European Command determines that incremental costs are 10 to 20 percent higher. We are saying we want you to pay eventually 75 percent of that 10 to 20 percent incremental cost. And it can be determined. It was laid out in last year's DOD bill.

I think there are tremendous disparities. We are looking at Japan that pays 77 percent. Korea pays 62 percent. We cannot ask our allies because somehow it becomes a complicated formula to pay more than 24 percent collectively?

Yes, it is for the alliance, but they have an obligation to contribute to the alliance as well. That is what this is all about.

Mr. HARKIN. I thank the Senator. She makes a good point. We heard these same arguments on Japan—heard the very same arguments. We heard it on Korea, too. It is not just for Japan; it is our interests all over Asia—China, North Korea. We heard the same arguments, that we cannot ask Japan to pay more. We did. They are paying more. They are paying more. And what is different?

Why, if that is the case with Japan, I might just ask rhetorically, why not ask the Philippines to pay? Why not ask Thailand, Malaysia? Why not ask other of our friends in that area? Why do they not help Japan pay the costs of our troops? Because obviously our troops there provide stability in that region, too.

Ms. SNOWE. If the Senator will further yield.

Mr. HARKIN. I yield.

Ms. SNOWE. Look at the foreign national labor costs that are also included in this amendment, the aggregate and incremental amount of foreign national labor costs: Germany 6 percent; Great Britain 9 percent, and Japan pays 94 percent toward those additional costs.

It is obvious we have been able to figure it out with Japan and Korea for that matter. But we are now saying in this amendment—it is very clear—the Secretary of Defense would calculate the aggregate amount of the incremental costs to the United States of permanently stationing U.S. forces ashore in European member nations of NATO, and the foreign labor costs also attributed to those forces.

I think it is only fair, and I just want to congratulate the Senator for offering this amendment because I do think it is important and I think, frankly, it is a post-cold-war amendment.

Mr. HARKIN. I thank the Senator from Maine for the support and for bringing out these points and clearing it up.

You can ask this question or that question and make it seem like it is unworkable. But as I said, these are the same arguments made on Japan, same thing. You heard the same arguments. But when we came forth and got tough, as the Senator from Maine pointed out, they are paying 94 percent of their national costs. We are not asking Europe to do the same thing. We are not asking our allies to do the same thing in Europe.

What is the difference? Why have one standard for Japan and South Korea and another standard for Germany?

Mr. NUNN. Could I answer that question?

Mr. HARKIN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes, 20 seconds.

Mr. HARKIN. Yes.

Mr. NUNN. Very briefly, the main reason is because the Japanese do not have military forces. Our NATO allies do. The Japanese have a very small percentage of their budget. That ends up being a lot higher percentage of their money because of the GNP, but they did not spend more than 1 percent. They did not have much of a security role anywhere else in the world.

Our allies like Britain, France, and even now Germany, they are moving and helping in Bosnia and are contributing military forces. So it has always been thought that the Japanese ought to do more in the offset area since they are doing less in the military area relative to their GNP.

Mr. HARKIN. Does the same hold true for South Korea? South Korea has a big defense force. They put a lot of their money in defense forces. Yet they pay more for our troops stationed there than Germany pays for our troops in Germany.

Mr. NUNN. This is what the post-cold-war environment is all about. During the cold war I sponsored burden-sharing amendments. At the same time we were protecting Germany, which was divided, there was a large Warsaw Pact force.

Germany had a threat. The Koreans have that kind of threat. They have 9,000 artillery tubes looking down their throats in Seoul. So we are directly protecting our national security.

What I am saying to you is that our forces in Germany today are not there directly and primarily to protect Germany. They are there for stability in all of Europe and the Middle East. So it has shifted fundamentally.

I think there may be a way to get at this, but I do not think this amendment does it.

Mr. HARKIN. I would grant, the Senator is right. I think we are all right on this issue. I do not argue with the need for our stability.

What I would say is, does anyone really believe that if we only asked them to pay 75 percent of the incremental costs or to pay 75 percent for their own people that we employ on their bases, that somehow they are going to kick us out of the country? Give me a break. They love having our troops there. We have all been to those bases in Germany and Italy and Great Britain. They love having those troops there.

It provides employment and it provides stability. It provides all the things that the Senator said. All we are saying, the Senator from Maine and I are saying, is it is time for them to pick up a little bit more of the cost of basing those. I might point out the House of Representatives passed by a margin of 117 votes something a lot stronger than this, a lot stronger. And that was done bipartisan; Republicans and Democrats voted for it.

I thought we ought to be a little more modest and only have the incremental portion, whatever it costs to base them overseas, have them pick that up rather than the full cost, which is what they did in the House. So, again, this is a very modest amendment.

Again, I want to respond on the Saudi Arabia thing. If Saudi Arabia needs our troops to come in there, then it seems to me that our NATO allies should go to Saudi Arabia and say, ''Look, you are using the U.S. troops. You ought to help us pay a little bit for keeping our troops in Italy and places like that.''

Hey, come on. We are all friends. We do negotiate. These things are negotiable. It seems to me Germany or Italy or Great Britain could negotiate with Saudi Arabia and say, ''Look, we are sending troops down there or planes down there based in Italy. You ought to help us pay a little bit.'' You could negotiate that out. I do not think this is rocket science, to tell you the truth. I think it is very simple and very straightforward.

Mr. President, might I ask how much more time I have remaining?

The PRESIDING OFFICER. Four minutes, 48 seconds.

Ms. SNOWE. Would the Senator yield?

Mr. HARKIN. I would yield to the Senator from Maine whatever time she needs.

Ms. SNOWE. I would like to make another point with respect to who spends what on defense. Former Secretary of State Henry Kissinger testified before the Foreign Relations Committee recently and happened to indicate that Japan has the third largest defense budget—Japan. They certainly have made a great effort toward spending on defense.

Our European allies spent 2.5 percent of GDP whereas the United States spent 4.4 percent of GDP. So they are not making as great an effort, obviously. We make 2½ to 3 times greater effort toward defense than our European allies do collectively.

So I do not think that there is any excuse in this regard. We are only talking, if you just analyze what we are talking about—as a result, the bottom line of this amendment is $1.1 billion per year, depending on those incremental costs. If you assume 15 percent as an average—$9.8 billion—you are talking about $1.1 billion a year. That is not asking too much, given what we are asking everybody else in America to do with respect the Federal cutbacks.

Mr. HARKIN. I thank the Senator from Maine.

Again, I just, in closing on our side, want to say, Mr. President, this is a very modest amendment. It is not complicated. It is straightforward. I believe it could be worked out.

I again would say with emphasis, we heard the same arguments for Japan and South Korea. We have interests around the world. I believe our European allies, with the standard of living and income they have, ought to pay a little bit more. That is all we are asking for.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Nebraska.

Mr. EXON. The Senator from Nebraska asks if he might be allowed, under a unanimous-consent request, 1 minute to oppose the amendment offered by the Senator from Iowa.

Mr. HARKIN. Madam President, he is such a great friend of mine, if I have any time remaining I will yield the time to him off my own time.

The PRESIDING OFFICER. The Senator will get 1 minute from Senator HARKIN's time.

Mr. EXON. I thank my friend from Iowa.

Ordinarily I would be in strong support of the amendment offered by the Senator from Iowa and by the Senator from Maine. But this is not an ordinary time. I wonder what is going through the minds of our European allies today when they hear what is going on day after day after day on the floor of the U.S. Senate. We zapped them good on a bipartisan vote that I thought was a horrible mistake on Bosnia. Now, as we zap them again at this particular time, after zapping them and leaving them adrift on a vote that we took a few moments ago with regard to nuclear testing, they might give up.

I simply say at another time this might be a good amendment. I urge a vote against this because I think we have hit our allies all we dare hit them at this particular juncture.

Mr. HARKIN. I might remind my friend that I supported his amendment on nuclear testing.

Mr. EXON. You did not on Bosnia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. It is a very modest amendment, very modest indeed.

The PRESIDING OFFICER. All time having been expired——

Mr. HARKIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Madam President, it is my understanding that under the time agreement, this vote will be stacked with other votes at a subsequent time this evening.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Therefore, Madam President, the time agreement, as I understand it, now turns to the amendment from the Senator from Michigan Mr. [LEVIN]. And that will be under the control of the distinguished chairman of the committee, Mr. THURMOND.

Parliamentary inquiry.

Is a motion to table in order for the Harkin amendment?

The PRESIDING OFFICER. A motion will be in order at the time of the vote.

Mr. WARNER. At the time of the vote.

Mr. DOLE. Madam President, I wonder if I might, without taking any time from anybody—I will take it out of my leader time—propound a unanimous-consent request that has been cleared on each side.

The PRESIDING OFFICER. The majority leader is recognized for that purpose.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2020

Mr. DOLE. Madam President, I ask unanimous consent that at 9 a.m. on Saturday, the Senate begin consideration of H.R. 2020, Treasury, Postal Service appropriations bill, and at that time the pending business be the committee amendment on page 76, line 10 through page 76 line 17, and that it be limited to the following: 3 hours to be equally divided between Senators NICKLES and MIKULSKI, or their designees; and that following the conclusion or yielding back of time, the Senate proceed to vote on or relation to the committee amendment, and that no amendments be in order during the pendency of the committee amendment.

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 2122

(Purpose: To authorize funds for procurement of equipment for the reserve components according to their highest modernization priorities)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2122.

At the end of section 105, insert the following:

The reserve components shall choose the equipment to be procured with the funds authorized herein according to their highest modernization priorities.''

Mr. LEVIN. Madam President, the amendment which is now pending is aimed at allowing the Guard to make some choices in terms of their modernization equipment according to their highest modernization priorities.

This has been the effort in the committee for the last 3 years. It has been a struggle, and we might as well acknowledge openly just how difficult a struggle this is.

But for the last 3 years, starting in the 1993, 1994, and 1995 budgets, we have not divided the Guard and Reserve modernization funds, which we have been able to find, into specific line items in our report.

We had totals for each of the forces and allowed them to allocate according to their highest modernization needs.

The reason we do it this way is because we avoid the obvious desire of each of us to fight for our own home States, giving serious advantage to the members of the committee over nonmembers of the committee.

When we get a budget in February, we have a number of months to look at the line items in that budget. We have about 4 months to look at each of the items that is proposed that we buy when it comes to the active duty forces.

But then near the end of the process, near the end of our deliberation, when it comes to the Guard and Reserve package, as we call it, when we try to find some funds for modernization for the Guard and Reserve, we face an issue every year: Do we specify by line specific items, which each of us might want for our own home State Guards, or do we allow the Guard and the Reserves to use some discretion as to what their highest modernization needs are.

Year after year for the last 3 years, we have fought in the Armed Services Committee to keep this generic, to avoid some of the back-home stresses and strains, but to keep it generic when it comes to the Guard and Reserve, because we have not had the time to make the kind of decisions relative to line-by-line items as we do for the active duty forces. That is the difference. For active duty forces, we have 4 months to look at the budget request, and we make decisions line by line.

When it comes to the Guard and Reserve, I do not know that we had more than 4 hours this year to look at a proposed allocation that the majority delivered to us of $770 million. That is not the way to budget. It is wrong for the country, it is wrong for the security of this Nation to be making line-by-line decisions for the Guard based on less than 1 day's consideration. I think literally it was about 16 hours before a package of $700 million line by line was presented to the full committee and the time that the decision was made on it. It is just not the way to budget. It is wrong.

A number of years ago, we did it this way. But for the last 3 years, we have resisted this temptation. For the last 3 years, we have been generic in the Senate, and we have gone to conference. At conference, we always face the House which always does it line by line, and we fight it out in conference.

The good Government way to do this is to do it generically, because we do not have the adequate time to do it line by line and do it right and to try to avoid some of the back-home temptations, which we all have, to provide the specific items for our own back-home units in the Guard and Reserve.

Merit-based review is what the budget process should be all about, as much merit as we possibly can build into a budget process. We ought to insist upon it. When it comes to this Guard package, because it is done at the last minute, we do not know how much money we are going to have, and we have not gone over the line-by-line, specific items. It is simply not in the Nation's security interest to divide it up the way this committee report does.

We see those line by line on page 92 and 93 of the committee report. I am sure there is a good case to be made for every one of them. The Guard and Reserve, as a matter of fact, give us about $12 billion in funding requirements each year. So I am sure a case can be made for every one of these. But that is not the way that process worked. The case was not made for any of these. No opportunity existed in any real sense for the committee to take a look at these line by line, go over them the way we did all the other lines for 4 months and decide what is the highest priority for this Nation, what is the highest priority for these Reserve and Guard units.

The Appropriations Committee did it generically, and I want to pay them the compliment because they did do it generically. We ought to do the same thing in the authorization bill as closely as we can come. And this language which I have sent to the desk in this amendment is aimed at making the point in a straightforward way and not a technical way.

During the consideration of this bill, Senator COATS sponsored an amendment which had a lot of merit and is in this bill. It is section 1007 of the bill, and it says the Secretary of Defense in next year's bill should focus on and separately identify funding for Guard and Reserve equipment.

So what we are doing for next year's bill is telling the Secretary of Defense we want the Secretary to focus on specific items for Guard and Reserve and to separately identify funding for us so we can consider that as part of our budget deliberation. But that is next year. The question we face is whether to do it this year, and we should do it.

Next year, the Department of Defense as a whole is going to be able to focus more closely on requirements and the relative urgency for filling those requirements. If we allow them some leeway and keep this generic, they will be able to do it this year.

Under the Coats language, which applies to next year, there is going to be an opportunity for the Department of Defense to exercise some judgment in sending us some recommendations unless we keep this generic this year. If we do this line by line, specifically, they are not going to have that opportunity which is so essential this year relative to the application of $777 million.

So I think just good Government requires us to give some discretion to the Department of Defense to allow them to apply some judgment—not to specify line items, but to keep this generic, as the Appropriations Committee has

done, to allow the Department of Defense to apply some talent and some priorities to this money. That has been the pattern in the last 3 years.

Again, it is not easy to hold this. We had a very close vote in committee on this. I think the first vote we had on it was lost by a tie vote. The second vote, I think, we won by one vote. The third vote we lost by, I believe, one vote. So this was a very close vote in committee.

I hope that the full Senate will do what the Appropriations Committee did and what the Armed Services Committee did in the last 3 years, which is to keep this as generic as possible, so that the Department of Defense and the Guard and Reserve can apply their best talent to giving us the highest modernization priorities which may include many of these, but not necessarily, and instead will reflect more the needs of the Guard and Reserve and less the back-home wish list of each of our Guard and Reserve units.

Madam President, I do not know if I have any time remaining.

The PRESIDING OFFICER. The Senator has 10 minutes 7 seconds remaining.

Mr. LEVIN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Madam President, I yield myself such time as may be required.

Madam President, the Senator from Michigan offered this same amendment during our committee markup. It was opposed by all Republican members of our committee and defeated. The proponents of this amendment suggest it would be more appropriate to provide a sum of money to the Department of Defense and let them decide how to spend the money.

Madam President, I disagree. It is the job of the Congress to decide how these funds should be used. The Senate will make decisions on this defense authorization bill affecting the spending of $265 billion. I do not know why we should treat the funds we added for the National Guard and Reserve equipment differently from the rest of the bill.

Madam President, the Senator from Michigan has indicated that we should let the National Guard and Reserve components decide how to spend this money. He knows full well that if we simply turn a sum of money over to the Department of Defense, then the bureaucrats in the Department of Defense will decide how the money will be spent.

It is interesting to note, Madam President, that those who now want the Pentagon to decide these matters began to adopt this position about the same time they gained control of the administration in 1993.

Madam President, it is our responsibility and our duty to make the hard decisions on how we should spend defense dollars, including those dollars we add to the budget for specific purposes. The funds we added for the National Guard and Reserve equipment package certainly fit this category. I strongly urge all my colleagues to support this package for the National Guard and Reserve components and vote to sustain the position of the Armed Services Committee.

Madam President, I yield the floor.

Mr. WARNER. Madam President, I wish to join with the distinguished chairman of the committee, Senator THURMOND, in opposing this amendment. I bring to the floor the text of our colleague's letter just received from the National Guard Association. The first paragraph says:

> Dear Senator THURMOND, the National Guard Association urges your support for the equipment designated for the Army and Air National Guard in the Armed Services Committee report, S. 1026, the National Defense Act for Fiscal 1994.

This is a critical part.

> We believe it is essential for the Congress to specifically identify equipment for the modernization of the National Guard. Such action has been very effective in the past and has allowed the National Guard to remain a full partner in the total defense forces of our Nation.

As the chairman said, what is the distinction between the active and the Guard and Reserve? It is a total force concept to be utilized and employed that way. National Guard forces, particularly the Air Reserve Guard forces, are on duty all over the world flying missions, many of them into Bosnia during the course of this debate. Therefore, I strongly urge that we resist this amendment.

I would like to ask my distinguished colleague a question. Given the limited time, I hope he will answer it on his time. I would pass to my colleague last year's report—it is for fiscal year 1993. If the Senator looks at the highlights, the yellow markings, there are a number of items. At the time, my distinguished colleague was in the majority, and a number of items were specifically cited. I point out the C–20 and the 130. Does the Senator see those highlighted, especially for his benefit?

Mr. LEVIN. I think we receded to the House on that.

Mr. WARNER. Whatever. The package was put together such that those items were put in there with great specificity.

Mr. LEVIN. I answer the question by saying that, in 1993, the Senate Armed Services Committee did this generically before the election of Bill Clinton, may I say. In 1994, we did this generically before the election of Bill Clinton, may I say.

So the chairman's reference to the Democratic President is not appropriate. We have done this now for 3 years generically. The first 2 years were prior to the Democratic administration. We did it generically in the Armed Services Committee. Yes, in conference there was give and take. It was not our choice. It was the House's choice.

Mr. FORD. Would somebody give me 60 seconds?

Mr. WARNER. Yes. I yield to the Senator from Kentucky.

Mr. FORD. Madam President, as Cochairman of the National Guard Association, I would like to make one point. Last year, we had $25 million in there for upgrade of the helicopters in the National Guard. It all went into one pot.

Did we get to the upgrade of the helicopters? Of course not. They tried to use it some other way. And we were crying for help to make our helicopters better and bring them up to speed for training. The 123d in Louisville, KY, is all over the world, with C–130H's. We had to fight to get them and make them specific in the budget. And now they have a top grade in the whole United States.

That is the National Guard for you. That is the support and the teeth and tail that we talk about in the military. So let us not cut the National Guard. There are 66 Senators in this Chamber that are members of the National Guard caucus. I just hope they listen and vote to support the National Guard.

Mr. WARNER. If I could pose a question to my colleague. From his many years of experience, has it not been the case that the National Guard package has been left to the Congress, year after year, to decide?

Mr. COATS. Exactly.

Mr. WARNER. And it has been up to the Congress to ensure that be done.

I yield the floor.

Mr. COATS. Madam President, how much time is available on this side?

The PRESIDING OFFICER. Senator THURMOND has 3 minutes 48 seconds; Senator LEVIN has 9 minutes 22 seconds.

Mr. COATS. I appreciate the Senator from Virginia reading the letter and the comments of the Senator from Kentucky relative to the National Guard Association and their interests.

The Senator from Virginia commented on paragraph 1 of that letter. Let me add to that by reading a little bit of paragraph 2:

> We are opposed to efforts which would merely identify a lump sum dollar amount for equipment which would then be referred to the Department of Defense for distribution. In almost every instance the work of the members of the committee and the committee staff has resulted in identification of the highest priority unfunded equipment requirements for the National Guard.

Now, we are sensitive to the question raised by the Senator from Michigan. That is why we have incorporated in the bill a request by the committee that the Department furnish us with a report indicating that they will begin to make determinations, as they submit to us on requests for the regular appropriations for the active Army and military, that they will begin to do this for the National Guard.

For years, the practice has been to defer this decision to Congress. We will have that report before the Senate. We

can evaluate that next year. We ask for it to be submitted with the budget, so we will do it concurrently with the budget and evaluate it at that time.

Do not forfeit now the practice that has been undertaken by the Congress on the request of the Guard and in support by the Guard, allowing DOD to defer that decision to us. We have made that decision for this year, and we will evaluate the report next year and be back with a recommendation.

Mr. WARNER. Madam President, I must say that my dear colleague from Indiana is a little modest, because that was the provision that the Senator fashioned and submitted for the Armed Services Committee. We accepted it at the very time we debated this issue and decided, as a majority of the committee, we would take the action which is incorporated in this bill.

I yield the floor.

Mr. LEVIN. I yield 2 minutes to the Senator from Georgia.

Mr. NUNN. Madam President, I think the Guard and Reserve are among our highest priorities. I am pleased we have a package here for the Guard and Reserve.

As I understand the Levin amendment—and I want the Senator to clarify this if I am wrong—I note the letter from the National Guard Association says, ''We are opposed to efforts which would merely identify a lump sum dollar amount for equipment which would be referred to the Department of Defense for distribution.'' That is the letter I believe the Senator from Virginia read from.

It is my understanding the Levin amendment does not do what that letter was opposed to. The Levin amendment leaves it up to the Reserve and Guard components to make that choice individually—Army National Guard, Air National Guard, Army Reserve, Navy Reserve, Air Force Reserve, and Marine Corps Reserve.

This amendment leaves it to the Department of Defense to make the choice, and if they want the items we have selected here, they could select every one of those.

Mr. LEVIN. The Senator is exactly right. The language of the amendment is very clear. The Reserve component shall make that choice. And they can, of course, choose the exact items that are in the committee report, should they choose.

There is no reduction in funds for the Government Reserve.

Mr. NUNN. My position is I support the package in the bill, but I believe the Levin amendment is a better way to go about it because, we do not go over these line items as we do in the regular budget.

The regular budget comes over, the Department of Defense has scrubbed it, the Office of Management and Budget has looked at it closely, each of the military services has basically come up with their request. It is gone over and over and over. The Guard and Reserve package is needed, in my view, but it is an add-on package. We do not have the kind of attention paid to these items that we do in the regular budget, because they are add-on items.

I think in 1993, 1994, and 1995 that this is what we did. It would be better to leave this up to the Reserve components for their priority. I believe the Levin amendment makes sense. No one should misunderstand this amendment. It does not cut the Guard and Reserve. It leaves it up to them to make that determination.

Mr. WARNER. How much time is left?

The PRESIDING OFFICER. One minute 37 seconds on your side; 6 minutes 47 seconds on the side of Senator LEVIN.

Mr. WARNER. I ask if my colleague from Michigan would answer, on his time, the following question. This amendment reads as follows: The Reserve component shall choose the equipment to be procured with the funds authorized here, and according to the highest modernization priorities.

That means some Reserve officer will make the decision. The Secretary of Defense has no input. The Secretary of the Army has no input. The Congress, then, is denied any specific input other than the allocation of funds.

Mr. LEVIN. The amendment says that the Army National Guard shall make that allocation, the Air National Guard shall make the allocation, the Army Reserve shall make the allocation. The head of each of those components has a commander. And so forth. We do not cut the money. We do not change the money. What we do is take the amount of money which is allocated in section 105. We leave it exactly as it is. Army National Guard, $209,400,000, Air National Guard, $137,000,000. We do not touch any of that money.

What the committee has done for the first time in 4 years, in its committee report, is to allocate line by line within each of those items.

The problem is exactly as the Senator from Georgia said. We had less than 1 day to even see what the allocation of the majority was here. We have avoided that temptation for the last 3 years. We ought to resist that temptation here.

The Senator from Kentucky is right. The Guard is a critically needed function. This money is essential for the Guard. I have asked General Baca, the Chief of the National Guard, point blank, whether or not he supports leaving this generic, or whether or not he wants the specific line-by-line item in this committee report. He said he wants it generic. I asked him in my office.

Mr. WARNER. Madam President, I suggest the absence of a quorum.

Mr. LEVIN. How much time is remaining?

The PRESIDING OFFICER. Four minutes 38 seconds on your side; 1 minute 37 seconds on the side of the Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that the time of the quorum not be charged to either side.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time to the Senator from Nebraska?

Mr. EXON. Are we under controlled time?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Parliamentary inquiry: What is the order before the Senate at the moment?

The PRESIDING OFFICER. The Levin amendment No. 2122 is the order.

Mr. WARNER. My understanding is that there is about a minute left under Senator THURMOND and 3 minutes under the Senator from Michigan. Is that correct?

The PRESIDING OFFICER. Approximately.

Mr. CONRAD. Madam President, will the manager yield for a question?

We have colleagues who are anticipating a vote at 8:10, and understandably that schedule slipped somewhat. In order to advise colleagues what they might anticipate, is there any up-to-date estimate on when the three votes might be held?

Mr. WARNER. Madam President, we will proceed with the next amendment in a matter of just a few minutes. Then three votes would be stacked.

Mr. DOLE. How much time do you have on the Glenn amendment?

I guess about 8:40.

Mr. CONRAD. At 8:40 the votes would start.

I thank the leader. I thank the managers.

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

I thank my friend from North Dakota. That is exactly what I was trying to find out. Now we have moved from 8:10 to 8:40. It has been a very convenient arrangement that the Senate has been going through trying to meet accommodations. I will try to be back at about 8:40.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I yield back the time on this side.

Mr. LEVIN. Madam President, we yield back the remainder on our side.

Mr. WARNER. Madam 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.

Mr. WARNER. At this point in time it is the intention of the manager on this side to have a motion to table at the appropriate time, which I understand would be at the time of the vote.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Under the unanimous-consent request, we now proceed to the next amendment. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. So the Chair will lay aside this pending amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the Levin amendment, and the motion to table will be in order at a later time.

Mr. LEVIN. I ask unanimous consent that Senator BINGAMAN be added as a cosponsor of my amendment.

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

Under the previous order, the Levin amendment is set aside so that Senator GLENN may offer an amendment.

AMENDMENT NO. 2123

Mr. GLENN. Madam President, I rise today to offer this amendment because I am concerned about the provision in this year's bill that would reduce the active duty service obligations for service academy graduates from 6 to 5 years.

To do this reduction from 6 to 5 years without waiting for the study that is required in this legislation, we are asking for information but we are taking action before we even get the information to know what the impact would be from the experts at the Pentagon and at the service academies.

In other words, it is sort of like ready, fire, aim, instead of the other way around.

The current policy, which requires graduates to serve 6 years, has been in effect since 1991 and it ensures that American taxpayers receive a high return on investment for the other three-quarters of a billion dollars.

Mr. DOLE. Madam President, will the Senator yield?

Mr. GLENN. Without losing the floor.

Mr. DOLE. The time has not started running until you offer the amendment.

The PRESIDING OFFICER. The Senator from Ohio has not sent his amendment to the desk.

Mr. DOLE. The time starts to run for 30 minutes.

Mr. GLENN. That is fine.

AMENDMENT NO. 2123

(Purpose: To strike out the reduction in the period of obligated active duty service of graduates of the service academies)

Mr. GLENN. Madam President, 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 Ohio [Mr. GLENN] proposes an amendment numbered 2123.

Mr. GLENN. Madam 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:

Beginning on page 154, strike out line 4 and all that follows through page 155, line 20, and insert in lieu thereof the following:

SEC. 502. REVIEW OF PERIOD OF OBLIGATION ACTIVE DUTY SERVICE FOR GRADUATES OF SERVICE ACADEMIES.

Not later than April 1, 1996, the Secretary of Defense shall—

(1) review the effects that each of various periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy would have on the number and quality of the eligible and qualified applicants seeking appointment to such academies; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's findings together with any recommended legislation regarding the minimum periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

Mr. GLENN. Madam President, as I say, I rise because of concern about reducing the active duty service obligation for service academy graduates from 6 to 5 years without even waiting for the required study which asks for information on which we could make a good judgment on whether this is a wise move or not.

The current policy, which requires graduates to serve 6 years, has been in effect since 1991, and it ensures that American taxpayers receive a high return on investment for the over three-quarters of $1 billion that we spend each year on our service academies. The actual figure is about $754 million. It also ensures that the candidates we select to attend the academies are committed to at least considering a career as a military professional.

The change in this year's defense authorization bill is particularly troubling in two areas. First, it changes successful legislation that has still attracted top-notch students to the academies. At the same time, it directs the Department of Defense to submit a report that provides the information needed to make such a change. In essence, what we are doing, as I said, is shooting first and asking questions later. We are making the change. Then we are seeing if we can get the data to back it up, and that is the wrong way to make intelligent decisions.

I received a letter the other day requesting my support of the 5-year obligation. One of the sentences in this letter said, and I quote, ''My guess is that with a 5-year obligation the Navy can attract more candidates from which to select.'' The key word here, Madam President, is ''guess.'' We should not change legislation because we guess it will do something.

My amendment corrects that. All it does is say that we want the information, that we will continue the present policy until we get the study next year. It provides us with the time and information we need to make an educated decision. It provides us with the opportunity to make this decision without guessing.

A second problem I have with the language in this bill is that this change will open up the possibility of attacks from groups that would like to see us totally shut down the service academies. I am not the only one who shares this concern. A former State Department official who recently stepped down from the Naval Academy's Board of Visitors said in a December 1994 Baltimore Sun article that he was also against lowering the service requirement because that move, he said, would raise the possibility of budget cuts at the Academy by those who believe we do not need academies, he said that ROTC, OCS, et cetera, can just as well provide our officer corps. In other words, if we get less use of the product, that is, newly commissioned officers, then why go to all the expense of spending all this money, a quarter of a million that we spend on each Academy graduate.

Madam President, I have long been a supporter of the academies. I am not an Academy graduate myself, but I am a big supporter of it. I think they are necessary for our military. Although we allocate a great deal of money to run these institutions, I think it is worth it. We spend up to $272,000 per student. But I still believe this money is wisely spent.

Some of our very greatest military leaders, including Eisenhower, MacArthur, Marshall, Patton, Bradley, Halsey, Nimitz, and Vandegrift are academy graduates. And if I believed for one moment there was a problem attracting qualified candidates to these schools, I would be the very first in line to make the changes necessary to keep the seats at the service academies filled.

The fact is we have not had a problem finding qualified applicants to fill these seats. We have highly qualified applicants, more than we can possibly take care of. Over 30,000 young people in our country, as I understand it, apply to the academies each year, and we do not have any problem getting good people to fill the seats at the academies.

In fact, an article in the September 16, 1994 edition of the RECORD addresses the kind of students applying to the academies, and it says the academies ''offer high-quality education as well as demanding training in military skills and discipline.'' A further quote, ''The big problem is getting in with so many well-qualified students applying.''

Madam President, there has been a decline in applications. I repeat that. There has been a decline in the number of applications to the service academies. But that decline has not impacted the quality of young people attending these schools. There are quite a lot of other reasons why the numbers have gone down, and I will address that. But we have not in any way changed the high standards required to

qualify for admittance to these fine institutions, institutions that rank with the best schools in our country, indeed, the best schools in the world.

Also, the decline in the number of high school students seeking an academy education started dropping in 1988, 3 years before the 6-year obligation was put into effect. I repeat that. The decline in the number of high school students seeking an academy education started dropping in 1988, 3 years before the 6-year obligation was put into effect.

Now, I think there are a lot of reasons why we have experienced a drop in applicants but none of them have anything to do with service obligation, or very, very little. I think a headline from an article about the Air Force Academy points to one of the real problems on why we are having problems attracting young people to the Academies. It says, ''Applications to Academy Plummet 50 Percent. Job security blamed for big decline since record high in 1988.''

No doubt about it, there has been a decline in interest in the youth of America in serving in the military. And over the last few years we have dramatically reduced enlisted and officer positions in the military, and a lot of young people are getting very concerned about job security in a military career. Indeed, I would point out they have a right to be concerned because during an Armed Services hearing this year, witnesses told us that we should continue our reduction in military force structure.

We started at a peak of about 2.1 million active duty military personnel in this country. We are down below 1.6, around 1.5 million right now, and we will go down to the current goal of 1.425 million, or they are proposing even going down to 1.2 or 1.1 million.

Taking this into account, who on Earth would want to start a career in an organization that is laying off people after only 6 or 8 years of service? In fact, a West Point spokesman, Maj. Jay Ebbeson, said in a December 1994 article, ''Kids may want to have a stable employer. We just don't think the 6 years is the reason.''

A major reason the Air Force Academy is having problems is that there has been a decline in opportunities to go to flight school. We have fewer cockpits to fill. Most of the applicants to the Air Force Academy want to fly airplanes, and when they hear that only 25 percent of the graduates will go on to flight training, it is not surprising they decline in favor of attending a civilian institution.

Another reason for declining applicants is that academy graduates are no longer guaranteed active duty commissions. After graduation, they receive a Reserve commission and then they are forced to compete for a limited number of active duty positions with other officers coming out of the OCS and the ROTC programs.

Madam President, the argument that bothers me the most on why we should reduce service obligations is the one that says this policy is having a severe impact on the academies' ability to recruit high-quality applicants, the kind that are required if our academies are to be successful in division 1A football and basketball.

Lest we think this is just a spurious thing I am tossing in here, back in 1990 when we were thinking about passing this legislation, I had visits from alumnae associations of the academies, and 2 out of 3 of those academies made a major point of this, that what I was doing was interfering with the ability to recruit high-quality athletes for the academies when I was advocating putting the required service up to 6 years.

Well, I do not think there is any question that the 6-year obligation has had a severe impact on the competitiveness of our academy teams in this conference. As the excerpts from the New York Times and the Baltimore Sun on a chart that I have in the office—that I was going to bring over and did not bring—point out, the 6-year obligation has been a major factor for football players who may have aspirations for turning pro, or basketball players.

(Mr. GORTON assumed the chair.)

Mr. GLENN. Recruiting quality athletes has been a problem, been such a problem that even some groups are saying, ''We should waive the immediate military service obligation for academy athletes, should they be good enough to play pro football following graduation.''

Well, I do not buy those arguments. We have a purpose for the academy. We know what that purpose is. It is not to be a minor league for the professional sports. Maybe it is time we take another look at having the academies compete in NCAA Division I-AA. I am not proposing that. But I think when something like the professional sports thing and how we have a problem getting people in because they are not willing to come in if they have to make a commitment after they get this education and over a quarter of a million dollars spent for their education, they will not come because it will interfere with their pro career, maybe we have to look at a different direction. However, Mr. President, I do not think you will find a lot of support out there for going to Division I-AA because college football is a big money business.

In a June 1994 report from the Defense Advisory Committee On Service Academy Athletic Programs, the committee advised the academies not to move to a lower division so as to not lose income from big time football.

There is no wonder there are organizations out there pushing for a reduction in active duty obligation. Mr. President, although I believe collegiate sports play an important part in development of our country's future leaders, I have to agree with Adm. Charles Larson, Superintendent at the Naval Academy, who said in a Washington Post interview:

Having a winning football program is something which all of us here at the Naval Academy would like to see. However, it is important to stress that our primary mission is not to produce professional athletes. Our mission is to produce future Navy and Marine Corps officers with character, men and women who are prepared to lead and show the highest standards of honesty, integrity, and professional performance.

In other words, what we are looking for, Mr. President, are those young men and women that have stars in their eyes, men and women of all races and religions who are ready to make a sacrifice for their country, young, hard-charging individuals who really do not make the fact whether it is 6 or 8 or 10 years the major factor in their service to this country. They are people that want to lead, people that want to command aircraft squadrons, infantry battalions, people that want to follow in the footsteps of some of our country's greatest leaders.

We do not want those who are looking just for a free meal ticket, those who are looking for a way to beat the system, those who basically are asking, what can my country do for me? We need people who want to do something for their country. These people, Mr. President, are not so completely focused on service requirements that the 5 or 6 makes a difference. Yet we get much more for the taxpayers' money with that extra requirement that is the law now.

I get over 1,300 applications each year from high school students in Ohio who would give their eyeteeth to attend one of the service academies. I can tell you these are not average students. They are cream of the crop. Most of them, if not selected for an academy seat, still end up attending some of the very finest civilian schools in our country.

Mr. President, I want to read an editorial from the January 10, 1995, edition of the Baltimore Sun, titled ''An Honor and a Bargain,'' that so accurately reflects my feelings on this issue.

We fail to understand the hand-wringing at the U.S. Naval Academy over the drop in admission applications.

According to a recent Sun article by reporter Tom Bowman, the academy's advisory Board of Visitors is asking President Clinton to reconsider a new requirement that increases the time academy graduates must serve in the military. The board says that by increasing the graduates's service obligation from five years to six, some of the nation's top students have been discouraged from applying to the academy.

''These kids don't think past a burger Saturday night,'' the dean of admissions said. And they're saying, ''That's 10 years of my life.''

Maybe some students are turned off by the six-year requirement, but we believe it should remain.

It costs $250,000 to educate a young person in a service academy. The additional year was added to a graduate's military service to give taxpayers more for their money. In today's political climate, it would be unreasonable to demand less.

But there are other reasons to leave it intact. The decline in applications to the academy is no tragedy because it comes at a time

when the institution is under orders to pare the size of the brigade anyway. Academy enrollment, which reached a high of 4,500 midshipmen in 1990, must be reduced to 4,000 by next September, Currently, a little more than 4,100 midshipmen attend the academy.

Understandably, U.S. Naval Academy officials want to attract this country's best and brightest young people, but an applicant's dedication to a military career ought to be considered as well as scholastic performance.

Maybe some young people cannot look beyond the next weekend, but they are not the kind of people we want to be training as military officers. For a young person aspiring to a military career, a service academy education is a tremendous bargain as well as an honor.

A midshipman at Annapolis receives one of the best educations in the country—for free. Even more important, a graduate from the Naval Academy is guaranteed a good job as a military officer. That is more than many young people can expect upon graduation from traditional college and universities these days.

We don't think it is too much to ask that Naval Academy graduates serve their country for six years in return.

Mr. President, I am sure that a few of my fellow Senators will argue that the length of obligated service for academy graduates should be reduced from 6 to 5 years. However, I believe there is more than enough evidence that justifies why we should not change our current policy.

No matter how you feel about this issue, I strongly believe we would be making a terrible mistake to change this legislation before we receive the analytical data required to make an informed decision on this matter.

The informative data that we are asking for, the analytical data, is required to be reported to us by next April by the legislation that we are working on here now. So it is not a matter of whether we are going to do it or not. They are going to make that analytical data available to us after having studied this matter as to what the impact would be. Yet we are proposing here to go ahead and make a change before we get the information. So delaying a change in this policy until we receive this report makes sense and is the right thing to do.

That is all we require with this amendment, is just say the present 6-year requirement will not be changed back until we get the information. And then next year, depending on what that information says, I may be leading the charge next year to reduce this requirement myself. But I want to make that recommendation only on the basis of the best information. If the study recommends that length of active duty service should be 6 years, which I believe it will, then next year we would be forced to revisit the issue and reverse our position for the third time in 6 years. And that makes no sense.

It seems to me that while we reinvent Government and ask Government personnel to do more with less, we cannot tell the military academies to do less with more. So I hope all our colleagues will support this amendment to maintain the current active duty obligation that has attracted top-notch candidates to our service academies.

Now, Mr. President, I know that one of things we brought up will be in a letter from the Assistant Secretary of Defense for Force Management Policy. I sent a letter over there asking their response—I requested their views on this matter of section 502 of S. 1026. And they wrote back and responded that—it is in response to my letter. They say:

> Enactment of this section would reduce the active duty obligation . . . of service academy graduates from six to five years.''

They said:

> As you are aware, the current six year [active duty service obligation] was mandated by the National Defense Authorization Act . . . for Fiscal Year 1990, and will be effective for graduates of the academies beginning in 1996.
>
> Neither this mandate—

This is a key section.

> Neither this mandate nor section 502 of S. 1206 were requested by DOD.

Very correct.

And then the next paragraph says:

> A review of the history of the mandate to change the ADSO—

The active duty service obligation.

> reveals that the Department appealed the Senate provision during the Senate-House conference.

In other words, they had doubts about it at the time, and during the conference between the House and the Senate they asked that not go in. Then to quote again from their letter:

> Despite that appeal, the Senate's provision to change the ADSO from 5 to 6 years was sustained.

In other words, their request lost.

> Further, the underlying rationale for the decision was apparently based on the significant defense investment in service academy graduates.

Absolutely correct. That is correct.

Then there last sentence:

> The Department maintains its original position on this matter.

I am sure that will be taken to mean the Defense Department opposes this, but that is not the case. They do not say that the new system has not worked well. They do not say that we are getting a lesser qualified academy applicant. They do not say they have even studied this matter. They do not give any data whatsoever, yes or no on this. They do not say whether it is a better deal for taxpayers or not which, as they correctly said in here, was based on the significant defense investment in service academy graduates.

What I am saying is, they have not addressed the problem yet and they do not say they have addressed the problem yet. So what I say is we are asking them in this legislation to address the problem, do a study, report back to us by next April 1.

I will say, if they cannot say when they do that for us, they will study and let us know what the best way to go is next year, that is the time to be reducing or increasing or remaining the same on the ADSO, the active duty service obligation, of academy graduates.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 27 seconds.

Mr. GLENN. I thank the Chair.

Mr. President, I ask unanimous consent that this letter from the Assistant Secretary of Defense be printed in the RECORD at the end of my comments.

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

(See Exhibit 1.)

Mr. GLENN. Mr. President, I think there has been a misperception on a lot of these things, why recruiting is getting harder. There was a study done, called the ''Enlistment Propensity.'' There has been a misconception that the youth of the military are no longer hiring because the military is a declining industry and a lot of other events recently: Drawdown, personnel cuts, base closure, press reports of unfavorable events, such as Tailhook and so on, reduced importance of military life, domestic issues, crime, health care, economy, jobs, decline in defense-related industries in the communities, and so on.

There are many reasons why some people are not applying to the academies. But we do not have any study, other than some anecdotal evidence, that shows we have a real decline in the quality of people we are getting. In fact, quite the opposite.

I will state out of one of the studies we do have on this subject, the class of 1997 at the military academy, as far as scholastic aptitude tests go, on SAT scores, had an average for the class of 1997 of SAT scores higher than the classes of 1989 through 1992 and 1995. They were only 2 points below the classes of 1993 and 1994. So in regard to scholastic aptitude, education and intelligence, we do not have a problem recruiting highly qualified applicants.

Grade point average for the Air Force, to use another example. The grade point average for the class of 1998 at the end of the freshman spring semester was higher than the classes of 1992 through 1994 and equal to the class of 1995. The grade point average for the class in 1997, at the end of both the sophomore fall and spring semesters, was the highest in the last 6 years. The grade point average for the class of 1996 at the end of the junior fall semester was the highest in the last 5 years.

Mr. President, there is absolutely no information whatsoever, except a few anecdotal stories, that indicate that the 6-year requirement has adversely affected the type people we are getting at the academies.

I think it is incumbent upon us to say keep it at 6, do the study this year and then we will know what we are doing when we get that study next year. And if it is required that we put it down to 5 to get the kind of people we need, fine, but we will have data, we will have the study by the Pentagon of

all the academies, not just one—not just Navy, not just West Point, not just the Air Force. We will have studies from all the academies, and then we can make an informed decision of what to do.

All this amendment does, I repeat once more, is say that we will await the study that is required before we make our decision to reduce the active duty service obligation. That to me is so common sense that I hope we can almost adopt this by unanimous consent. I know that is not going to be the case.

I reserve the remainder of my time.

EXHIBIT 1

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, August 3, 1995.

Hon. JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: This is in response to your request for the Department's views on Section 502 of S. 1026.

Enactment of this section would reduce the active duty service obligation (ADSO) of Service academy graduates from six to five years.

As you are aware, the current six year ADSO was mandated by the National Defense Authorization Act (NDAA) for Fiscal Year 1990, and will be effective for graduates of the academies beginning in 1996. Neither this mandate, nor Section 502 of S. 1026, were requested by the DoD.

A review of the history of the mandate to change the ADSO reveals that the Department appealed this Senate provision during the Senate/House Conference. Despite that appeal, the Senate's provision to change the ADSO from five to six years was sustained. The underlying rationale for the decision was apparently based on the significant Defense investment in Service academy graduates.

The Department maintains its original position on this matter.

Sincerely,

FRANCIS M. RUSH, JR.,
Acting Assistant Secretary.

The PRESIDING OFFICER. Who yields time?

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I yield myself 5 minutes.

Mr. President, the chairman of the appropriate committee is on the floor, and I will yield to him or just take a brief couple of minutes here and then let him discuss this amendment.

Let me just say that we discussed this in great detail in committee and in examining it, and as chairman of the Personnel Subcommittee, I concluded that moving the time obligation from 6 years to 5 years after graduation from the academies was a desirable thing to do.

I base that decision primarily upon information that I received from each of the Superintendents of the academies. I have with me copies of letters from the Superintendents of the academies. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE SUPERINTENDENT,
UNITED STATES MILITARY ACADEMY,
West Point, NY, August 2, 1995.

Hon. DAN COATS,
U.S. Senate, Chairman, Subcommittee on Personnel, Committee on the Armed Services, Washington, DC.

DEAR SENATOR COATS: When legislation to extend the Active Duty Service Obligation (ADSO) for Academy graduates was proposed in the FY 1990 Defense Authorization Bill, all the Services opposed the change. We believed the extension was unnecessary.

Retention rates for Academy graduates were historically well above the Service objectives. In addition, the 5-year ADSO coincided with the probationary period for Regular officers and the promotion "up or out" point to Captain (Lieutenant in the US Navy). Finally, we were concerned that the longer obligation would harm recruiting of high school students who had many other college and career options (especially minority applicants).

To date we have not observed significant adverse consequences in the recruiting arena which can be directly attributed to the extended ADSO. However, for all the reasons cited above, we still believe the 5-year obligation is a better requirement. It helps the recruiting effort and it supports sound officer management policy.

On this basis we support the proposal to restore the 5-year ADSO. Thank you for the opportunity to contribute our perspective to your deliberations on this issue.

Sincerely,

HOWARD D. GRAVES,
Lieutenant General, U.S. Army,
Superintendent.

UNITED STATES NAVAL ACADEMY,
Annopolis, MD, August 2, 1995.

Hon. DANIEL R. COATS,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR COATS: I wanted to take this opportunity to express my position as Superintendent on the Active Duty Service Obligation for service academy graduates. As you know the SASC mark of the FY–96 Authorization Bill contains legislation to reduce the current six year obligation to one of five years for all service academies. Our admissions statistics indicate that the FY–90 extension of the Active Duty Service Obligation has had a negative impact on the total number of applicants and on the number of young men and women seeking congressional appointments. Since 1989, the number of applicants decreased from 14,014 to 10,422, a 25 percent decrease. During the same time frame the number of congressional nominations, a strong indicator of interest in attending a service academy, has decreased 22 percent from 6,148 to 4,756. A recent survey of those applicants who declined an offered appointment to the Naval Academy indicated that twenty-three percent did so because of the six-year service obligation.

I strongly believe, as these statistics indicate, that the Active Duty Service Obligation issue is one of recruiting, and not retention. The Naval Academy Class of 1989 had a five year obligation, yet our records show that 75% of them are still on active duty at the six year point. We are losing good applicants by legislation that targets the 25% who get out before reaching the six year point, a false economy. If we can get the best people admitted, the challenge is to motivate a large percentage to stay 10 or 20 years, which we have done with great success over the years. A five year obligation will help in this effort.

Thank you for your continued support of the Service Academies and especially for your support for the return of the five year active duty service obligation.

Sincerely,

C.R. LARSON,
Admiral, U.S. Navy,
Superintendent.

U.S. AIR FORCE ACADEMY,
USAF Academy, Colorado, August 2, 1995.

Hon. DAN COATS,
Chairman, Personnel Subcommittee,
Committee on Armed Services, Washington, DC.

DEAR SENATOR COATS: We understand the Senate Armed Services Committee is recommending to restore the Active Duty Service Obligation for Service Academy graduates from 6 to 5 years. We support that position.

The propensity for young people to serve in the Armed Forces has declined significantly in the post-cold war era. For example, our applications in the past 7 years are down nearly 50 percent. We believe the increased service commitment to 6 years has contributed to this trend. Over the past 3 years, in telephone interviews with those who declined appointments to the Academy, over 20 percent stated that the 6-year military obligation was a major factor in their decision.

We believe returning to the 5-year service obligation will enhance our efforts to recruit quality students.

Sincerely,

PAUL E. STEIN,
Lieutenant General, USAF,
Superintendent.

Mr. COATS. Mr. President, I have letters from the Superintendent of the West Point U.S. Military Academy, from the Air Force Academy and from the Naval Academy. Let me just quote from those letters:

Dear Senator COATS: When legislation to extend the Active Duty Service Obligation for academy graduates was proposed for the FY 1990 defense authorization bill, all the services opposed the change. We believed the extension was unnecessary.

Now they have had some experience with this and, as a result of that, they write to us and say that there are concerns that the longer obligation would harm the recruiting of high school students who have many other college and career options, especially minority applicants. They were concerned at the time when this was put in that this would adversely affect them.

The Superintendent of the military academy goes on to say that "we * * * believe the 5-year obligation is a better requirement. It helps the recruiting effort and it supports sound officer management policy."

General Stein, Superintendent of the Air Force Academy, says:

The propensity for young people to serve in the Armed Forces has declined significantly in the post-cold-war era. For example, our applications in the past 7 years are down nearly 50 percent. We believe the increased service commitment to 6 years has contributed to this trend. Over the past 3 years, in telephone interviews with those who declined appointments to the academy, over 20 percent stated that the 6-year military obligation was a major factor in their decision.

Finally, Admiral Larson, Superintendent of the Naval Academy says:

Our admissions statistics indicate that the FY 90 extension of the Active Duty Service Obligation has had a negative impact on the

total number of applicants and on the number of young men and women seeking congressional appointments . . . A recent survey of those applicants who declined an offered appointment to the Naval Academy indicated that 23 percent did so because of the 6-year service obligation.

Mr. President, I believe we need to listen to the people who run the academies. They are the ones who are in charge of the recruiting of top-flight high school graduates to attend the academies. Each of them has specified to us that the 6-year obligation is not only unnecessary but it hurts their recruiting.

As they call and interview, those who they have selected to be at the Academy, and ask them, ''Why did you turn down a free education,'' we are finding that one-fifth or more of those who rejected the appointment have said the 6-year obligation was simply too long.

There are a lot of opportunities for bright, young people today. The people that are applying for the Academies are top-flight people that have other options, not only in terms of their educational and academic options, but in terms of employment opportunities when they leave. Those individuals are saying, ''I am not prepared at this point to commit to 6 years.''

Now, the logical response to that is, well, then that means they would not stay on as officers in the respective services. If they are concerned about a 6-year obligation, why should the taxpayer pay for their education only to have them leave 5, 6 years later? But just the opposite is true. Those individuals who do accept and graduate from the Academy, a vast proportion, and very high percentage of those graduates choose a career of service in the military.

The difference is that when you are an 18-year-old making a decision, 6 years seems like an eternity. But once you have received the education, gone through the academy and graduated, begun to serve in the service, the decision is to stay in the service. So that is not a deterrent.

Mr. President, I yield 5 minutes to the Senator from Arizona who initiated this proposal and was instrumental in urging the committee to adopt it.

Mr. MCCAIN. How much time do the proponents have?

The PRESIDING OFFICER. The opponents have 4 minutes, 36 seconds. The proponents have 2 minutes, 56 seconds.

Mr. MCCAIN. Mr. President, I thank my friend and colleague from Indiana for the outstanding work he has done as chairman of the Subcommittee on Personnel, especially the personal interest he has taken in the service academies. I know of no one who has taken more time and effort to be involved in the issues surrounding the service academies than the Senator from Indiana.

Mr. President, in case the Senator from Ohio did not hear about it, I received information concerning candidates for the Naval Academy. In 1994, applicants for that class, in a comparison between the 94 and 99 applicants from the State of Ohio for the Naval Academy, dropped 21.5 percent. Candidates—those selected and then asked to be members at the Naval Academy—dropped 22.5 percent.

I am not sure where the Senator from Ohio is getting any figures. But we have received information which I will make part of the RECORD from all three service academies that both applicants and candidacies have dropped. It is a fact of life.

Mr. President, also, in the letter that the Senator from Ohio made a part of the RECORD from the Assistant Secretary of Defense, it clearly states, in a rather weaselish way, that the Department of Defense did not approve of the increase when it was enacted, and they stand by their original position on this matter. I think it is clear that they did not approve of it then and they do now.

Let me tell you what this is all about, Mr. President, and I will get right down to it. We are in an all-volunteer force. Today, a majority of the men and women in the services who are enlisted are minorities. Today, Mr. President, the overwhelming majority of the members of the officer corps are white individuals. There is a significant and dramatic imbalance between the makeup of the enlisted corps and the officer corps in the military today.

The service academies have worked night and day to try to correct that imbalance by attracting minority individuals into the service academies. It is entirely appropriate that there be some reasonable balance between the numbers of minorities, percentages of minorities in the officer corps and in the enlisted corps. I do not have to explain to Members the kinds of contradictions that evolve from that.

What the service academies are finding is that if a minority person is qualified to enter a service academy, that same person is qualified to get a scholarship to Harvard, Yale, Princeton, Berkeley, Stanford, or any other major college or university.

We are having significant problems, Mr. President—when I say ''we,'' I mean the service academies. They are having significant difficulties in recruiting members of minorities into the service academies. They are not able to reach their goals. In fact, there was a steady increase for a while, and that has now leveled off and even declined.

Now, Mr. President, I do not disrespect the view of the Senator from Ohio. But I have to tell the Senator from Ohio that I respect the view of the people who are running the admissions programs in these service academies more than I do his. Why the Senator from Ohio is hung up on this issue is not clear to me, because we are dear friends.

But I would ask the Senator from Ohio, who pretends to be an expert on this issue—which he is not—to listen to the people that are the experts on this issue and then this issue would be quickly resolved.

Mr. President, the Senate Armed Services Committee approved a provision in the Defense authorization bill that would restore to 5 years from 6 the minimum active duty service obligation for Service Academy graduates. We believe that this position will go a long way to help reverse the alarming decline in the number of applicants for the Service Academies.

Opposition to lowering the active duty service obligation comes from a mistaken belief that a longer service obligation will absolutely result in more officers making the military a career. Historical data shows, however, that there is no direct correlation between the length of the service obligation and the decision to make the military a career. In fact, in the past when there was no service obligation or a considerably shorter obligation, the military was very successful in motivating a large percentage of Service Academy graduates to remain for 20 years.

The real objective of restoring the service obligation to 5 years is to enhance recruiting efforts at the Service Academies. With the current 6-year service obligation, we are losing many good applicants. A 5-year service obligation will focus instead on getting the best people admitted. As a clear indication that a 5-year obligation is not detrimental to efforts to keep officers in the military, it is significant that 77 percent of graduates from the U.S. Naval Academy Class of 1989, which had a 5-year obligation, are still on active duty at the 6-year point.

The real issue here is recruiting, not retention, of officers from the Service Academies.

Mr. President, it may be useful to explain to this body some of the history of Senator GLENN's amendment on the 6-year active duty obligation. During the 1991 legislative session, Congress increased the active duty obligation of Service Academy graduates from 5 to 6 years.

Mr. President, my amendment steals an old argument from 1991, when the Congress recommended a provision that would require all commissioned officers to be initially appointed as reserve officers. The Congress felt that regardless of commissioning source, that all officers should compete for regular commissions on the basis of their demonstrated performance and potential. Additionally, those that argued on the side of debate for reserve commissions stated that competition is healthy and consistent with equal opportunity which allows the best officers to enter the regular component. Although, this provision was considered to be leveling the playing field with respect to reserve commissions; legislation also was included with respect to an academies' length of obligated service in the Armed Forces which would require a graduate to serve on active duty for at least 6 years

immediately after commission. In comparison, an ROTC graduate's length of obligated service in the Armed Forces is only 4 years immediately after their commission.

Mr. President, the country receives an adequate return on its investment with the 5-year obligation. However, the delicate balance between accession and attrition in the military manpower world may soon tilt for the worse when the academy classes of 1996 graduate and they incur a 6-year active duty service obligation. Because of the pyramidal shape of the officer corps, for example the progressively smaller number of officers in each rank as rank increases, we only need to keep 55 percent of our academy graduates beyond the 5-year point. History shows us that when there was little or no obligation, all the services were exceeding this 55 percent retention requirement. If too many officers are retained beyond the 5-year point, then the desired shape of the officer corps pyramid becomes distorted, there aren't enough meaningful jobs for junior officers, there is a demoralizing increased promotion passover rate, personnel management flexibility is reduced, and there are morale problems because of disgruntled officers who feel they are being kept on active duty beyond a reasonable pay back period for education.

Mr. President, the Services' own study of the 6-year active duty obligation shows that the increase in active duty obligation at the academies reduces the number and quality of young persons applying to the academies. This is because top-notch youngsters at age 17 or 18 are simply not sure what career they wish to devote their lives to and they are not willing to obligate their lives to one field, military or non-military, for a long period of time. This naive uncertainty is only exacerbated by the changing face of the military as it goes through excruciating cutbacks and is buffeted by the shifting winds of what may be called the leadership theory of the day. These teenagers want to keep their options open.

Mr. President, many fine young people will enter the Service Academies out of a spirit of patriotism and are proud to serve on active duty for 5 years with the expectation that they may make the service a career. But obligations in excess of that amount will drive them away from Service Academies to civilian colleges, who eagerly desire these quality youth and require no obligation after graduation, even after public funding. Many businesses are offering highly qualified young people free college educations today with work pay back commitments considerably below the Service Academy 6-year obligation. The adverse impact of the increased active duty obligation will become more pronounced as the 18-year-old age population in our country continues to decline beyond 1994.

Our challenge in the military is to attract the best youth we can to the service academies and then through good leadership and career satisfaction inspire them to stay in the service, rather than require them to stay in.

More importantly, Mr. President, the increase obligation has an even greater impact on minority and women applications. Minorities and women are well aware that the services were once white, male bastions and although they are patriotic and wish to serve the country, they are skeptical about a military career. A long obligation deters minorities, as well, from applying to the academies out of a concern that they would be irrevocably committed to something they may not like for a long period of time.

Mr. President, qualified minorities and women are highly sought after by many colleges in the country. With a 6-year obligation the service academies will not be competitive in minority recruiting. The military urgently needs to increase the number of minority officers. For example, today the U.S. military has 20 percent of African-Americans in the enlisted force and only 7 percent of African-Americans in the officer corps. Even more disturbing, the U.S. Navy has only 3 percent of African-Americans in the officer corps. Mr. President, service academies with their own preparatory schools to assist minorities, who require additional academic preparation, are the best way to increase minority officer representation. I firmly believe this. Many of you in the Senate know me to be a strong supporter of the service academy preparatory schools. In fact, that is because over 50 percent of the African-American students at the academy enter the academy through the preparatory schools. If a minority graduates from the service academy preparatory school, goes through the academy in 4 to 5 years, and has a 6-year service obligated commitment on top of his education, then that equals 12 years of military service. This is a near lifetime for a 17-year-old prospective candidate.

The different active duty obligation of service academies and ROTC programs, 6 versus 4 years, will create difficulties. First, high quality young people who would otherwise apply for the service academies will now seek entry into the ROTC or may not seek a career in the military. Second, having officers from the services' two prime commissioning sources, with different obligations, serving side-by-side in their various assignments, causes difficult morale and career management problems. Next, a longer obligation for service academy graduates than ROTC graduates conveys to ROTC officers that the military wants academy graduates more than them, causing them to become demoralized and possibly decide against making the service a career. A viable officer corps requires that the services attract career officers from all the commissioning sources. We must carefully avoid the perception that one source is favored over the others.

In summary, the 6-year obligation provides no advantages. It is a detriment in every respect. The service academies had little or no active duty obligations for over 100 years, and their graduates served the country well.

I hope my colleagues will vote for this amendment to return the academy active duty service obligation to 5 years.

Mr. President, I reserve the remainder of my time for Senator COATS.

Mr. GLENN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes, 56 seconds. There are 31 seconds on the other side.

Mr. GLENN. Mr. President, the idea of minorities being influenced more by going from 6 to 5 years or 5 to 6 years, and making that particularly applicable to minorities, is a bit disingenuous, I submit. We have talked to the people at the Pentagon, who have indicated to us verbally—and I am sorry I did not get a letter—that there has not been any decline in minority applicants. The percentages remain about the same.

As far as being experts, that brings up the key point of this amendment. This amendment says to do the study, get the experts, do not go with anecdotal evidence, like a single letter from the head of an academy, but do an honest-to-goodness study that breaks it down into minorities and SAT scores, and all the other things needed to get good academy applicants. We will know what we are doing.

Next year I may join my friend to reduce it to 4 years to get the type people we need. But now we are saying ''ready, fire, aim.'' We are saying, ''OK, we are going to take it upon ourselves to say we will go from 6 back to 5.'' In this bill, it says we will do the study, and it is due in next April, and we are making the decision now even though the real study that gives us all the information will come later.

That just, to me, does not make any sense. What I would much prefer to do is do a study. It will let us know definitively what the problem is, if there is a problem, if we are having a problem recruiting minorities, or anybody else, and then next year, we can make a very informed decision as to whether we reduce the required time or not.

I was very disappointed in the letter that the Senator from Arizona referred to that came over from the Pentagon, because it certainly did not express what I had been told verbally from the Pentagon before as to what the situation was. It was my understanding that there was general support over there for the 6 years. Maybe I misread some of that. But let them do a study and it will be better information for the Pentagon as well as for us, also. Until we know what we are doing, let us not decide before we have the study done. That makes no sense whatsoever.

I reserve the remainder of my time.

Mr. COATS. Mr. President, the Senator from Arizona made a mistake. He said the Senator from Indiana has

worked the hardest on this. That is not true. The Senator from Arizona has been passionately interested in maintaining top quality at the academies. Nobody cares more about attracting the kind of people we need to lead our armed services than him. That is why he is concerned, because we are not getting those people. The people who run the academies are saying one of the primary reasons we are losing people is the 6-year obligation. We are trying to defer to the wishes of those who run the academies and admit the students, and they are telling us, drop it from 6 to 5.

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. GLENN. Mr. President, I do not take second place to anybody on this. The academies deserve to get the best students. It is not athletics, it is combat we are preparing people for. So our military deserves the very finest leadership possible.

This amendment does not say keep it at 6. It says to do the study, then decide next year. And a study is already required in this legislation. I do not have to put that in.

All I am saying with this legislation is, take the commonsense approach of getting the information before we make the decision, and do not rely just on anecdotal data. I believe all time has run out. I yield back the remainder of my time.

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.

Mr. LOTT. Mr. President, I ask unanimous consent that following the first vote in the voting sequence there be 4 minutes for debate, to be equally divided in the usual form between each succeeding vote, and that succeeding votes also be limited to 10 minutes each.

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

VOTE ON MOTION TO TABLE AMENDMENT NO. 2121

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. HARKIN].

Mr. WARNER. Mr. President, I move to table the amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Harkin amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. GREGG] and the Senator from Alaska [Mr. STEVENS], are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

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

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—70

Ashcroft	Glenn	Lugar
Bennett	Gorton	Mack
Biden	Graham	McCain
Bingaman	Gramm	McConnell
Bond	Grassley	Moynihan
Bradley	Hatch	Murkowski
Breaux	Heflin	Murray
Brown	Helms	Nickles
Burns	Hutchison	Nunn
Byrd	Inhofe	Packwood
Chafee	Inouye	Robb
Coats	Jeffords	Roth
Cochran	Johnston	Santorum
Cohen	Kassebaum	Sarbanes
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Dodd	Kerry	Smith
Dole	Kohl	Specter
Domenici	Kyl	Thompson
Exon	Leahy	Thurmond
Faircloth	Levin	Warner
Ford	Lieberman	
Frist	Lott	

NAYS—26

Abraham	Dorgan	Moseley-Braun
Akaka	Feingold	Pell
Baucus	Feinstein	Pressler
Boxer	Grams	Reid
Bryan	Harkin	Rockefeller
Campbell	Hatfield	Snowe
Conrad	Hollings	Thomas
Daschle	Lautenberg	Wellstone
DeWine	Mikulski	

NOT VOTING—4

Bumpers	Pryor
Gregg	Stevens

So the motion to lay on the table the amendment (No. 2121) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me indicate there are two more votes in this series. Under the order, there will be 4 minutes, if necessary. Most of us were here and heard the debate. I do not see why it is necessary to have 4 minutes. Maybe somebody wants to take the 4 minutes and have 2 minutes on each side to review the amendment before the vote.

We will move to table the Levin amendment. But before we do that, I wanted to indicate that there have been a number of us here through the evening trying to determine how many more amendments will be offered by Members on this side of the aisle and on that side of the aisle so we can put together a finite list. We started off with 185 this morning. We have worked through a number of those. There are 26, I think, now in the process of being cleared, and 16 have been cleared, and there are 10 in the process. There may be additional amendments that can be cleared.

We are trying to determine whether we want to stay all night and finish this, if it is possible to finish it if we stay until 5 or 6 o'clock, or whether we can work out some agreement here and get some smaller list, stack some votes and have those votes following disposition of the Treasury-Postal appropriations bill tomorrow. There are a lot of people—probably 50, 60, or 75 relevant amendments—Republicans and Democrats who have put ''relevant.'' We do not know what the amendments are or whether they intend to be offered. We learned from one Senator who has six, he is going to offer all six. I hope he wins the prize so somebody else will not try to be 100 percent.

But, in any event, during these next two votes, if people have amendments they are going to offer, I wish they would tell Senator NUNN or Senator THURMOND so we can make some announcement following the last vote.

AMENDMENT NO. 2122

Mr. DOLE. I move to table the Levin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Did the Senator yield back the time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May we hear an explanation of the amendment?

Mr. LEVIN. Mr. President, there are about $770 million in a Guard and Reserve package. Literally in the last few hours of the deliberations in the committee, an earmarking of this $770 million was presented to the committee dividing it all up for particular projects. In the last 3 years the Armed Services Committee has been generic. We have done this generically so that the Guard and Reserve could do the most important modernization work. We did not divide it up line by line in the Senate Armed Services Committee. The House tries to do that each year. We have resisted that for the last 3 years.

So this really is a good amendment so that all of our States will have an opportunity to weigh in for this money.

Mr. BYRD. Mr. President, may we have order in the Senate?

There should be order so we can hear the Senator explain the amendment.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LEVIN. My amendment is supported by Senator NUNN and others. It is very close to what the Appropriations Committee did in this area, trying to leave this generic so that all of our State Guard and Reserve units will have an opportunity to provide all of these components—the Army, Navy, and so forth—as to what the highest priorities are.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I will use 2 minutes.

Mr. President, the Senate Armed Services Committee reviewed this policy very, very carefully by a majority of votes and decided it would be the Senate of the United States that made the decision of how these funds should be expended, not simply some two-star Reserve or Guard commander. It is as simple as that. We are not about to relinquish that decision to a two-star general. There it is.

We strongly urge that the Members of the Senate back the Senate Armed Services Committee, a majority of the members of that committee, and move to table this amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the senator from New Hampshire [Mr. GREGG] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arizona [Mr. PRYOR] are necessarily absent.

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

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—53

Abraham	Faircloth	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Murkowski
Bennett	Gramm	Nickles
Brown	Grams	Packwood
Burns	Grassley	Pressler
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Heflin	Shelby
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Specter
D'Amato	Kassebaum	Thomas
Daschle	Kempthorne	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	

NAYS—43

Akaka	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Harkin	Moynihan
Boxer	Hollings	Murray
Bradley	Inouye	Nunn
Breaux	Johnston	Pell
Bryan	Kennedy	Reid
Byrd	Kerrey	Robb
Conrad	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Kyl	Simon
Exon	Lautenberg	Wellstone
Feingold	Leahy	
Feinstein	Levin	

NOT VOTING—4

Bumpers	Pryor
Gregg	Stevens

So, the motion to lay on the table was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2123

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Ohio. There are 4 minutes of debate, evenly divided.

Who yields time?

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Four minutes to the Senator from Ohio.

Mr. GLENN. I yield myself such time as may I require.

Mr. President, this is a very simple amendment. In 1990, we required academy graduates to do active duty service beyond their academy years. We moved that requirement from 5 years up to 6. The bill this year requires the study of that, whether it has worked well, whether we are still getting good people or not, what the status is. And my idea was that we wait until we get the study before we go ahead and make that decision, so we will know what we are doing. We just have anecdotal information unless we do that.

What was put into the bill was that the bill reduces from 6 back to 5 without getting the study. And, to me, that is like ready, fire, aim. It puts the cart before the horse, or any other cliche you want to have in there.

I think we should have the best study we can. There is anecdotal information that varies all over the lot. Basically, the information I have is that the SAT scores for academy students across the average of all three academies for 1996, 1997, 1998 is 323 points higher than the national average. The class at the military academy had scores higher than previous classes. Some of the falloff in the number of applicants started in 1988 because of some of the downsizing of the military. We have the Air Force Academy in particular; their scores have remained very, very high. The grade point average at the end of the freshman spring semester was higher than the class of 1992–1994.

All I am proposing is that since we are not under duress in this area, since all the SAT scores appear to be back—I may lead the charge next year to reduce it to 5 or 4, if there is a problem. But let us do a definitive study and then decide. Let us not decide now to reduce the number and then get the study next spring. That is keeping things in the wrong order.

All I say is, get the study. We will decide next year. It is that simple.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, the evidence is in. We do not need another study. It was originally raised from 5 to 6 years by the Senator from Ohio without a study. But the superintendents of the three academies of West Point, Annapolis, and the Air Force Academy in Colorado have all said—they are the ones who are in charge of bringing the applicants to the academy and making sure that we have the top-flight people—they have written to us. And each have said that they support the reduction from 6 to 5.

The reason they do so is they are losing top-flight academy applicants. When they follow up with interviews of those who are accepted to the academies, the ones that do not come, and ask those individuals, ''Why didn't you come?'' More than 20 percent in two different surveys and studies conducted by the academies have said, ''The 6-year requirement is too much.''

Now, the logical question is, well, if they do not want to commit to 6 years, and we are paying for their education, they will not stay and be career officers. Just the opposite is true. To an 18-year-old trying to make a decision, a 6-year commitment on top of a 4-year academy experience seems like a long, long time. But once they go through the academy, and once they serve in the services, the vast majority of those, nearly 80 percent or more, become career soldiers, sailors, and airmen.

So I think we should listen to the superintendents. They are the ones that are in charge of getting the quality people to the academy. They are the ones that are saying, ''We need this help to recruit the top-flight candidates. Please drop this from 6 to 5.''

The committee supported that position. I hope the Senators will do that.

Mr. THURMOND. I move to table the amendment.

Mr. DOLE: I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GLENN. Time has not run out yet. Will you withhold the tabling motion?

The PRESIDING OFFICER. The time on both sides has expired.

Mr. THURMOND. I understood the time had expired.

Mr. DOLE. I ask for the yeas and nays.

If the Senator would want to make a point, he can do that.

Mr. GLENN. One additional minute for each side.

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

Mr. GLENN. The point I want to make is we spent a quarter of a million dollars on the people in the academy for the 4 years. This is not a small expenditure.

We require time for doctors who are going through training. We require additional years, I think it is 8 years or something like that, for flight training now. This is normal. This is not something unusual. If we make this big investment, we are expecting the academies to be the leaders of our military in the future. If they are not willing to make a commitment going in, I think we are shortchanging.

We do not have any information that indicates we are getting a lesser quality academy applicant these days than we were in the past. I think it is a good deal for the taxpayers. We stay at 6, not go back to 5, unless we have a study that shows otherwise.

Mr. THURMOND. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2123. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. GREGG] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

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

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—52

Abraham	Gorton	Mikulski
Ashcroft	Gramm	Moseley-Braun
Bond	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Hatch	Packwood
Chafee	Hatfield	Santorum
Coats	Heflin	Sarbanes
Cochran	Helms	Shelby
Cohen	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Kassebaum	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kyl	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Feinstein	McCain	
Frist	McConnell	

NAYS—44

Akaka	Exon	Leahy
Baucus	Feingold	Levin
Bennett	Ford	Lieberman
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pressler
Bryan	Jeffords	Reid
Byrd	Johnston	Robb
Campbell	Kennedy	Rockefeller
Conrad	Kerrey	Roth
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	

NOT VOTING—4

Bumpers	Pryor
Gregg	Stevens

So the motion to lay on the table the amendment (No. 2123) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, as I understand, I have been told by the minority leader there will not be any more time agreements—which I think is unfortunate—on any amendments. It will just take us longer. I assume that we can finally reach a point where we will be able to finish this.

If we can put together a list of the real amendments—we thought we had a list, and we were told it was not an accurate list. I do not know how many additional amendments have been added. Maybe we can make a reasonable judgment. Otherwise, I do not know what alternative the leader has. We are trying to complete action, and we are not given any assurance there is ever going to be any end to it—how many amendments and no time agreements.

How much time will the Senator from Pennsylvania need?

Mr. SPECTER. Mr. President, if I may respond, I am advised that this will be accepted. I will speak for not more than 6, 7 minutes.

Mr. DOLE. I understand the Senator from New Mexico may be prepared to offer amendments. Is he prepared to offer amendments?

Mr. DASCHLE. Mr. President, let me respond to the original comment made by the majority leader. We have polled our Members, and based upon conversations I have had in the last 10, 15 minutes, I would say we have somewhere between 45 and 60 amendments. Most of our members, at this point, are unwilling to agree to time agreements. The next amendment offered by the distinguished Senator from New Mexico is an amendment that deals with tobacco. I do not know how long that will take. We cannot agree to a 30-minute time agreement on our side. A lot of Members will want to be heard on that issue.

For that reason, I guess I am not able to provide any understanding at this point beyond what I have already shared with the majority leader about how long it will take to finish.

Mr. DOLE. We will just proceed.

AMENDMENT NO. 2081

(Purpose: To provide authority for the surrender of fugitives and the provision of judicial assistance to the international tribunals for Yugoslavia and Rwanda, in accordance with the obligations of the United States under certain resolutions of the United Nations Security Council)

Mr. SPECTER. 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 Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2081.

Mr. SPECTER. 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 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 Act.

(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.

Mr. SPECTER. Mr. President, as I had stated a few moments ago, it is my understanding that this amendment has been cleared on both sides. It is an important amendment. It is to provide authority for the surrender of fugitives and the provision of judicial assistance to the International Tribunals for Yugoslavia and Rwanda, in accordance with the obligations of the United States under certain resolutions of the United Nations Security Council.

Mr. President, as it is well known, there has been considerable debate in this Chamber and in the House of Representatives on the atrocities in Bosnia, and the actions there leading this body and the House to call for the unilateral lifting of the arms embargo. And while there is some substantial controversy as to what ought to be done on that subject, with the disagreement with the President and prospective veto and possible override effort, there is unanimity that the action of the International Criminal Tribunals for Yugoslavia, and also by implication for Rwanda, is something which really ought to be carried out in an efficient and rigorous and really tough manner.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. Mr. President, we have seen extraordinary atrocities in Bosnia, with the ethnic cleansing, the summary executions, the tortures, massive and systematic rape, attacks on medical and relief personnel, and the estimates show that some 200,000 people, mostly Bosnian Moslems, have been killed or are missing; 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia.

We have seen the photographs of young women in their teens and early twenties hanging themselves by the trees in the Bosnian forest because they prefer suicide to facing the Bosnian Serbs. We have heard reports verified about the Bosnian Serbs entering the U.N. safe havens and taking 11-year-old boys, slicing their throats and leaving them in large mounds on the streets in an effort to stop the next generation of Bosnian Moslems looking ahead. It is just an extraordinary and horrible situation.

I personally have pushed, in the course of the past decade, resolutions to establish a general International Criminal Court which I think ought to be done. It ought to be done on international drug trafficking and on terrorism, where we have situations where nations will not extradite to the United States. Colombia is an example. If we had an international criminal court, we could have extradition.

This is a subject that I have worked on for many years as District Attorney of Philadelphia on a microcosm as to what I submit ought to be done internationally. But we have had the United Nations resolutions which have provided for International Criminal Tribunals for Yugoslavia and Rwanda.

With respect to the atrocities in Rwanda, this amendment would provide authority for fugitives to be surrendered, because we have no current extradition treaties with the International Court, and would provide authority for the United States to turn over evidence to the International Criminal Court.

The circumstances here are really extraordinary, Mr. President. Our colleague, Senator KOHL, recently repeated a saying that the loss of a single life is a tragedy, while the loss of 1,000 lives is a statistic. Regrettably, we are treating the atrocities in Bosnia and Rwanda as statistics, without really focusing on the individual tragedies.

There will be a hearing next Wednesday jointly by the Foreign Relations Committee and by the Senate Intelligence Committee to shed some additional light on the atrocities in Bosnia.

I submit this is a very important amendment, Mr. President. We need to get it enacted so we will have the authority to extradite these fugitives to the International Criminal Court and turn over the important evidence.

I yield the floor.

Mr. THURMOND. On this side of the aisle we are willing to accept the amendment.

Mr. NUNN. We are willing to accept the amendment on this side. If the Senator from Pennsylvania could enlighten us, I understand this is similar to the administration's legislation they have been seeking.

Mr. SPECTER. This is legislation which the administration is seeking, if I may respond.

Mr. NUNN. I thank the Senator from Pennsylvania. I recommend this be accepted.

The PRESIDING OFFICER. If there is no further question, the question is on agreeing to the amendment.

The amendment (No. 2081) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. If I could have the attention of the managers, I understand it is in order for me to submit my landmine amendment with a 10-minute time agreement equally divided.

Mr. WARNER. Mr. President, the Senator is correct, but I wish to note that I will vigorously oppose the amendment.

AMENDMENT NO. 2124

(Purpose: To support proposals to implement the United States' goal of eventually eliminating antipersonnel landmines; to impose a moratorium on use of antipersonnel landmines except in limited circumstances; and to urge imposition of certain sanctions against foreign governments that export antipersonnel landmines)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself, Senators LUGAR, GRAHAM of Florida, KASSEBAUM, SIMON, INOUYE, JEFFORDS, REID, HATFIELD, FORD, HARKIN, SARBANES, FEINGOLD, KOHL, LAUTENBERG, DODD, KERRY, BRADLEY, MOSELEY-BRAUN, BUMPERS, KENNEDY, BOXER, PELL, CHAFEE, DORGAN, MIKULSKI, WELLSTONE, DASCHLE, MURRAY, SIMPSON, BRYAN, MOYNIHAN, KERREY, FEINSTEIN, AKAKA, CONRAD, JOHNSTON, PRYOR, BREAUX, EXON, CAMPBELL, ROBB, ROCKEFELLER, LIEBERMAN, LEVIN, BYRD, GORTON, SPECTER, MCCONNELL, BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] for himself, Mr. LUGAR, Mr. GRAHAM, Mrs. KASSEBAUM, Mr. SIMON, Mr. INOUYE, Mr. JEFFORDS, Mr. REID, Mr. HATFIELD, Mr. FORD, Mr. HARKIN, Mr. SARBANES, Mr. FEINGOLD, Mr. KOHL, Mr. LAUTENBERG, Mr. DODD, Mr. KERRY, Mr. BRADLEY, Ms. MOSLEY-BRAUN, Mr. BUMPERS, Mr. KENNEDY, Mrs. BOXER, Mr. PELL, Mr. CHAFEE, Mr. DORGAN, Ms. MIKULSKI, Mr. DASCHLE, Mrs. MURRAY, Mr. SIMPSON, Mr. BRYAN, Mr. MOYNIHAN, Mr. KERREY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. CONRAD, Mr. JOHNSTON, Mr. PRYOR, Mr. BREAUX, Mr. EXON, Mr. CAMPBELL, Mr. ROBB, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. GORTON, Mr. SPECTER, Mr. MCCONNELL, and Mr. BINGAMAN propose an amendment numbered 2124.

Mr. LEAHY. 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:

At the appropriate place in the bill, insert the following:

SEC. . LANDMINE USE MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of State, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(4) Antipersonnel landmines are routinely used against civilian populations and kill and maim an estimated 70 people each day, or 26,000 people each year.

(5) The Secretary of State has noted that landmines are ''slow-motion weapons of mass destruction''.

(6) There are hundreds of varieties of antipersonnel landmines, from a simple type available at a cost of only two dollars to the more complex self-destructing type, and all landmines of whatever variety kill and maim civilians, as well as combatants, indiscriminately.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.—It is the sense of Congress that, at the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.—

(1) UNITED STATES MORATORIUM.—(A) For a period of one year beginning three years after the date of the enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(B) If the President determines, before the end of the period of the United States moratorium under subparagraph (A), that the governments of other nations are implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period of the United States moratorium for such additional period as the President considers appropriate.

(2) OTHER NATIONS.—It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium as a step toward the elimination of antipersonnel landmines.

(d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferation of antipersonnel landmines, the United States Government should not sell, license for export, or otherwise transfer defense articles and services to any foreign government which, as determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

(e) DEFINITIONS.—

For purposes of this Act:

(1) ANTIPERSONNEL LANDMINE.—The term ''antipersonnel landmine'' means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(2) 1980 CONVENTIONAL WEAPONS CONVENTION.—The term ''1980 Conventional Weapons Convention'' means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, together with the protocols relating thereto, done at Geneva on October 10, 1980.

Mr. LEAHY. I understand there are 5 minutes to a side with no second-degree amendments.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, there are few issues that I have ever felt more strongly about than the cruel devastation of whole societies by landmines. They are the worst of human depravity, a coward's weapon. At $2 or $3 dollars each, landmines like this one I am holding are sold by the hundreds of thousands and even millions.

There are 100 million unexploded landmines in over 60 countries. Armies leave, tanks withdraw, guns are unloaded, cannons are destroyed, the fighting ends, people even forget what the fighting was about, but the landmines stay, sometimes for decades.

In one country, they describe clearing the landmines an arm and a leg at a time. The children are often the innocent civilians. Every 22 minutes, somebody is horribly maimed or killed.

Mr. President, I hope this amendment is adopted overwhelmingly by this body to send a message to the world, so the United States can take the moral leadership as we did 3 years ago, as we did in the United Nations this past fall.

My opponents will say my amendment will endanger our troops—the same argument that was made against the chemical weapons ban.

Mr. President, our troops and civilians everywhere have far more to gain by what we do here.

Landmines are a weapon of choice in the very countries where our troops are likely to be sent in the future. A $2 mine can blow the legs off an American soldier as easily as it can pulverize a child.

Mr. President, let me repeat. This is not a prohibition, it is a moratorium that does not begin for 3 years. It does not cover Claymore mines. It does not cover antitank mines. Our troops have every weapon that shoots or explodes. We have far better ways of tracking the enemy than ever before. We have the most accurate weapons.

We are dealing with a global catastrophe. People everywhere are demanding an end to this madness. The U.S. Senate has led the way. We should continue to lead. This is not a weapon we need for our national security. It is a terrorist weapon used most often against the innocent.

I ask unanimous consent that several documents related to this matter be printed in the RECORD.

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

DEPARTMENT OF SOCIAL
DEVELOPMENT AND WORLD PEACE,
Washington, DC, August 3, 1995.

DEAR SENATOR: We understand that the landmine issue will soon be before the Senate. As you know, at our General Meeting in June, the Catholic Bishops of the United States approved unanimously a pastoral reflection entitled Sowing Weapons of War: A Pastoral Reflection on the Arms Trade and Landmines. In it, the U.S. Bishops joined Pope John Paul II and bishops from around the world in calling for an end to the manufacture and use of anti-personnel landmines.

Two months ago, the Holy Father stated, ''I should once again like to make a vigorous appeal for the definitive cessation of the manufacture and use of * * * 'anti-personnel mines'.'' The 100 million landmines that are strewn around the world kill an estimated 500 people per week, most of whom are civilians. Landmines cannot differeniate between civilian and soldier or between periods of peace and war. From Cambodia to Angola, they render large areas uninhabitable, prevent refugees from returning home, inhibit post-war reconstruction and development, and remain a long-term threat to innocent life.

The bishops welcome the current U.S. moratorium on exports of anti-personnel landmines and urge the United States to take steps ''to further retrict its own use of landmines, while it pursues with urgency and persistence international agreements to restrict use globally.'' The Landmine Use Moratorium Act (S. 940) would contribute to this goal by prohibiting U.S. military exports to countries that continue to export landmines and by imposing a one-year moratorium on use by the United States of anti-personnel landmines, except along international borders in monitored minefields. These measures are a reasonable response to a serious problem that affects millions of lives around the world.

We urge you to support Sen. Leahy's measure and to oppose any amendments or substitutes that would weaken it.

Sincerely,

Most Reverend DANIEL P. REILLY,
Bishop of Worcester,
Chairman, Committee on International Policy.

LAND-MINE BAN WOES

In 1994, about 100,000 land mines were removed from former war zones at a cost of $70 million. At the same time, another 2 million mines were deployed elsewhere.

These and other sobering, frustrating statistics came out of a three-day international conference in Geneva last week on mine-clearing.

The daunting prospect of new mines being sown at a rate 20 times faster than they can be removed is matched by the apparently futile attempts to ban the sale and manufacture of these inexpensive weapons.

There is some momentum to enact an international ban, with 25 nations adopting moratoriums on mine exports and three—Mexico, Sweden and Belgium—calling for comprehensive bans on their sale and manufacture. But in Geneva, it was concluded that banning land mines must be a long-term goal.

Despite the clear evidence that these weapons often can serve as everlasting and deadly vestiges of wars long resolved, some countries demand the right to keep them in their inventories.

The nations that want to have land mines in their inventories typically are not the same 64 countries where collectively 100 million land mines kill or maim 500 persons each week. If they were, perhaps a comprehensive ban would not be so elusive.

SANITY MAY TAKE ROOT IN LAND MINE DEBATE

Far too many of us still see the hurt and disbelief in the eyes of someone who has just been hit by a land mine. The eyes that still bore into my mind are those of a little Vietnamese girl who set off a mine while washing clothes on the bank of the Perfume River in Hue in 1990—a full 15 years after the war was supposed to be over for her and everyone else.

The girl lay in a hospital bed in Hue with bandages over most of her body. Her mother was attending her because of the shortage of nurses. The mother looked up from her bedside chair and asked me through a translator why the ''booms'' were still going off. Her daughter just stared at me in searing silence.

I had no answer then, but have something hopeful to say now. The U.S. Senate, perhaps this week but certainly this summer, will confront the scourge that maims or kills somebody in the world every 22 minutes. As many as half of the victims are children like the one I saw in Hue.

Soldiers know how to detect and disarm mines. Children don't. Sowing mines is like poisoning village wells: The soldiers on both sides realize the danger, drink from their canteens and move on. Not so with the villagers.

Sen. Patrick J. Leahy, D–Vt., and more than 40 Senate co-sponsors have drafted legislation that would declare a one-year moratorium on sowing mines on battlefields, starting three years from now. Claymore mines, which infantrymen spread around their positions at night and use in ambushes, would be excluded from the experimental, one-year ban. So would anti-tank mines. Also, international borders, like the demilitarized zone between North and South Korea, could still be sown with mines.

The Leahy proposal is but a short step toward the goal of inspiring an international agreement to ban land mines the way the nations managed to ban the use of poison gas and dum-dum bullets. But it is a symbolic step. It will at least force the Congress, the military and the public to confront this uncontrolled sowing of poison seeds.

In the Senate, Leahy plans to tack the moratorium legislation onto another bill on the floor, perhaps the defense authorization bill.

In the House, Rep. Lane Evans, D–Ill., a Marine grunt from 1969 to 1971, is pushing a similar measure but has not decided when to push for a vote. The hawkier House—which seems determined to give the military almost anything it wants—almost certainly will reject the amendment until the Joint Chiefs of Staff say they favor it.

This hasn't happened despite expert testimony that it would do the U.S. military more good than harm if land mines were banned. No less a soldier than Gen. Alfred Gray Jr., former Marine Corps commandant, has said:

''We kill more Americans with our mines than we do anybody else. We never killed many enemy with mines—. . . What the hell is the use of sowing all this [airborne scatterable mines] if you're going to move through it next week or next month . . . I'm not aware of any operational advantage from broad deployment of mines.''

Leahy warns that ''vast areas of many countries have become deathtraps'' because 62 countries have sown between 80 million and 110 million land mines on their land. ''Every day 70 people are maimed or killed by land mines. Most of them are not combatants. They are civilians going about their daily lives.''

Yet mines are so cheap—costing as little as $2—that small armies all over the world are turning to them as the poor man's equalizer. American forces increasingly are being sent to these developing areas and would be safer if land mines were banned.

''The $2 or $3 anti-personnel mine hidden under a layer of sand or dust can blow the leg off the best-trained, best-equipped American soldier,'' Leahy notes.

At the United Nations last year, President Clinton called on the world to stop using land mines. He could weigh in heavily on the side of the one-year moratorium and push the chiefs in that direction. But don't count on it. He seems determined during his reelection drive not to offend the military and its conservative champions.

Belgium and Norway this year forbade the production, export or use of land mines. Leahy and Evans hope the upcoming debate will create a climate for a similar stand by the United States. Lest you conclude the land mine moratorium is being pushed by peacenik lawmakers, note that among the senators supporting it are decorated war veterans Daniel K. Inouye, D–Hawaii, J. Robert Kerrey, D–Neb., John F. Kerry, D–Mass., and Charles S. Robb, D–Va.

The case for the Leahy-Evans moratorium is overwhelming. Even so, Congress probably will lose its nerve and refuse to enact the moratorium this year. But I think I could tell that little girl in Hue, if she lived through her maiming, that reason is beginning to assert itself. Man is beginning to see the folly of fouling his own nest with mines. There is at least a dim light at the end of the tunnel.

Mr. SIMON. Mr. President, I lend my strong support to Senator LEAHY's amendment to push for the eventual elimination of antipersonnel landmines. Senator LEAHY has been a longtime champion of this cause, and I admire his perseverance and hard work.

Landmines, which have been used in warfare for more than 200 years, are cheap, insidious, silent predators that continue to kill long after the cessation of conflict. Worldwide, 26,000 people are killed annually by landmines.

Landmines hold hostage the people, the land, and the economies of those countries in which they are used. At the end of conflicts, often the most immediate need is to return and reintegrate refugee populations. Landmines inhibit the travel of refugee populations. They inhibit the travel of relief and assistance organizations. They reduce the amount of land available to be inhabited by returning refugees. They kill and maim that population upon their return. Upon resettlement, landmines will inhibit the population from earning a living for many years to come.

As Americans, we believe that the cost of transitioning from conflict to peace is greater than the cost of continued conflict. Landmines multiply the cost of the transition from conflict to peace, straining the limited resources of both the country in question and the international donor communities. Moreover, uncleared landmines jeopardize new, always fragile, peace agreements by extending the causes of conflict—poverty, hunger, and despair.

The proliferation of landmines are an obstacle to economic development and political stability. Landmines prevent farmers from tilling the land—they undermine food security and create famine. They destroy the agricultural industry of a country.

Landmines undermine the national infrastructure and impede national development. They isolate transportation networks, powerlines, bridges, and waterways from reconstruction, repair, and maintenance. The quality of national infrastructure either supports or impedes economic activity and development. When railways and roadways are disrupted, the end result is heavy inflationary pressure on the currency because the costs of transporting goods and services always rises. It only takes a few landmines to render a roadway impassable. People will not choose to travel a road that is known to be mined.

Landmines create health care and other costs that strain the national budgets of developing countries. The maimed victims of landmines require medical treatment, physical rehabilitation, artificial limbs and prosthetics, and vocational training. Reduced worker productivity, additional expenditures for mine awareness training and demining activities are all financial burdens on countries attempting to recover from the ravages of war.

The sheer cost of removing landmines can be an insurmountable obstacle to economic growth. In Cambodia, the United Nations estimates that the aggregate cost of landmine clearance is from $200 to $1,000 per mine. Cambodia's annual per capita GDP is $200. To demine Cambodia would consume every penny produced in that economy for 1 to 5 years.

As you know, the continent of Africa presents some of the greatest challenges for sustainable development on the globe. Africa, a continent that has seen far too much of its share of disasters, must contend with the disasters of landmines every day:

Angola: With a population of 13 million, Angola has between 9 and 15 million landmines—about one for every man, woman and child in the country. There are between 150 and 200 landmine victims every week. Angola has more amputees per capita than any other country in the world.

Mozambique: The United Nations reports that all 28 major road systems in the country are blocked by uncleared landmines. Mozambique has about 1 million uncleared landmines.

Ethiopia: Has about 500,000 landmines and even more pieces of unexploded ordnance.

Liberia: After 5 years of civil war, Liberia is estimated to have 1,000 mines.

Rwanda: Has about 50,000 landmines that were implanted during their civil war.

Sudan: Has about 1 million landmines as of 1993. That number is expected to have grown and to continue to grow as the conflict continues.

Zimbabwe: Though the civil war in Zimbabwe ended over a decade ago, there remain areas that are not authorized for settlement due to the presence of uncleared landmines.

In addition to the social and developmental consequences of landmines I have mentioned, the basic fact about landmines is that they kill—easily and indiscriminately. I urge support for the Leahy landmine amendment.

Mr. LEAHY. I withhold the balance of my time.

Mr. THURMOND. I yield such time as the Senator from Virginia may require.

Mr. WARNER. Mr. President, there is no Senator that would not like to see this weapon removed. But where do you start in the series of weapons? Where do you start and where do you end?

Military history shows that whenever we move into an area—and mind you, in most instances, our troops must deploy forward, often into unknown country, against an adversary who is in place—if we were to agree to an international conference such as this, the enemy would know exactly where the mines would go, and we would lose an advantage.

Furthermore, when we deploy into an area, we, in number are less in many instances than the adversary who is in place. We need to have an advantage. We need to seal off what is known in military parlance as ''avenues of approach'' and do it very quickly, if necessary, by air, to drop landmines and other ordinances to seal off an avenue of reproach.

This would stop that. We are tying our hands. Therefore, we simply can not, with due respect to my distinguished colleague, agree to this amendment.

Mr. LEAHY. Mr. President, the last thing I want to do in war is tie our hands, but that is not the issue. We are the most powerful nation history has ever known. This amendment allows us to use antitank mines. It allows us to use claymore mines, to use mines along borders and in demilitarized zones. It simply says let us take a step so we and other countries can get rid of these hidden killers.

The fact of the matter is, Mr. President, the people who are a danger are the agronomists from the University of Virginia or the doctors from the University of Vermont or the missionaries from Tennessee or any other State who try to go to these 60 countries that are infested with mines. They are the ones, they are the ones in danger.

It is usually the civilians who suffer. Face it, is somebody going to march across the Canadian border against the United States or across the Mexican border? It is the child walking down the jungle path who loses a leg. They are who clear landmines an arm and a leg at a time. It is the people in Chechnya who die from them. It is the Afghans, a million and a half of whom are on the border of Pakistan, because they cannot go back to their own country. It is the 100 million landmines that make it impossible for countries to develop. It is the landmines that the president of the International Red Cross speaks about.

It is the landmines that the Pope and the American bishops and so many others are opposed to. What I am asking is that we take a small step, a small step.

I reserve the balance of my time.

Mr. WARNER. Mr. President, the landmines currently employed by the U.S. forces have a self-destruct mechanism, which means after a period of time, which can be fixed, they self-destruct and are no longer harmful to anyone.

That is as far as we can go, I say to my good friend from Vermont. That is as far as we can go.

I yield such time as the Senator desires.

Mr. NUNN. Mr. President, how much time remains? I would like to ask a couple of questions, if I could.

The PRESIDING OFFICER. The Senator has 2 minutes and 45 seconds.

Mr. NUNN. Mr. President, could I ask my friend from Vermont, I think all of us agree with the purpose and motive, what he is trying to do here. But I have two or three questions.

Do we already have a prohibition on export that is in the law that the Senator from Vermont sponsored? Do we not have that in the law so the United States does not export any?

Mr. LEAHY. Not a prohibition, we have a moratorium, as do over 20 other countries.

Mr. NUNN. If I could just ask, we do have a moratorium on export?

Mr. LEAHY. Yes.

Mr. NUNN. The Leahy amendment, once it goes into effect, would it preclude the allied forces, United States and Korean forces, having any mines in the DMZ in Korea?

Mr. LEAHY. No, in fact it specifically permits the use of mines in demilitarized zones.

Mr. NUNN. Because of the international border?

Mr. LEAHY. It refers to demilitarized zones.

Mr. NUNN. Now, what if we were in Somalia? At night we used mines around the bases in Somalia to protect our troops. Would that be barred?

Mr. LEAHY. Claymore mines would be used for that, and they are permitted. There is an exception for them by definition.

Mr. NUNN. Claymore mines are excepted. We have mines around Guantanamo Bay, would that be excepted?

Mr. LEAHY. That would be excepted. It is also in a border area that is marked and guarded.

Mr. NUNN. My counsel says those are not exceptions. Your counsel says they are.

I hope this legislative record will help clarify that.

The Senator is saying the DMZ would be excepted, and Guantanamo Bay would be excepted?

Mr. LEAHY. Claymores and antitank mines would be excepted under any circumstances, anywhere, whether on such a border or not.

Mr. NUNN. When we were in the Persian Gulf war and we had an exposed right flank, we laid down a considerable number of mines to prevent the Iraqis from hitting our exposed right flank. Would that be precluded under the Leahy amendment?

Mr. LEAHY. Antitank mines are excepted.

Mr. NUNN. What about antipersonnel?

Mr. LEAHY. Antipersonnel mines would not be.

Mr. NUNN. Antitank mines are excepted but antipersonnel mines are not?

Mr. LEAHY. That is correct.

Mr. NUNN. Could the Senator tell us the difference between a claymore mine and any other?

Mr. LEAHY. A claymore mine is one where you make the determination whether it goes off. You trigger it with a triggering device.

Mr. NUNN. My counsel says that is not excepted in this amendment.

Mr. LEAHY. By the definition, I am told by counsel, by the definition it is excepted.

Mr. NUNN. Mr. President, there is considerable confusion about this amendment. Whatever happens on this vote, I think we are going to have to do some work on it in conference, if it passes.

The PRESIDING OFFICER. Time has expired.

Mr. WARNER. Mr. President, I ask unanimous consent for an additional 3 minutes to be given to each side for purposes of debate.

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

Mr. WARNER. Mr. President, let me read to the Senate exactly what our distinguished colleague has in his amendment.

> The United States moratorium. For a period of one year, beginning three years after the date of enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

Mr. President, with no disrespect for my colleague, it is simply impossible to go to war under these rules. We are asking our young men and women to take risks which are just not fair to them as individuals. It says nothing about the other forces, be it the enemy or such allies as we may have working with us.

I say to my distinguished colleague, I do not think this amendment has been well thought through. We all recognize and join in our desire to stop this type of weaponry throughout the world, but this simply will not do it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is indeed a well thought out amendment. It is an issue we have spent years working on. There have been debates here. There have been debates at the United Nations. The President of the United States has called for the eventual elimination of antipersonnel landmines. The United States has joined with other nations, virtually all other nations, in calling for that.

We cannot pass laws and tell other countries what to do, but we can say that we will start to limit our use of antipersonnel landmines, to challenge other countries to do the same.

It is not a question of putting our young people at risk in war. It is a question of trying to protect our young people today. Today we have far more of our people in danger of being killed or maimed by the proliferation of landmines in parts of the world where we send peacekeepers, where we send medical personnel, where we send USAID

people. Can anybody imagine what it is going to be like in the former Yugoslavia, if the fighting ever stops and we have to go in and help clean up well over a million landmines?

Even with the millions that were strewn in the Persian Gulf war, that was not what won that war. Most were Iraqi mines. But in the aftermath we saw Kuwait, a wealthy country, spend $1 billion to try to clear a portion of the landmines there, and 85 people died doing it—after the fighting. Not during it, but after the fighting, from clearing landmines.

As one who testified before the Senate, a relief worker from Colorado, said, when a landmine went off under his Jeep he sat there with his foot in his hand, trying to put it back on.

Those are the people damaged. This amendment permits 3 years, as we told the Pentagon to do, to develop alternatives to landmines.

Mr. NUNN. Will the Senator yield for a brief question? I think it is important. I think the Senator will agree the mines he was talking about that the Kuwaitis cleared were not the United States mines, they were the ones laid by the Iraqis. Is that not correct?

Mr. LEAHY. That is correct.

Mr. NUNN. The U.S. mines were the ones that self-destructed.

Mr. LEAHY. No, there were mines of ours, too.

Mr. NUNN. But those mines did not cause the Kuwaitis any problem because they self-destructed.

Mr. LEAHY. I am told by the Pentagon, and you would have access to, at least, the same numbers, at least 1,700 of the self-destruct mines never detonated. We can put down 100,000 self-destruct mines and have at least 90 percent of them work and you still have about 10,000 that do not.

We have exceptions for some mines. We have 3 years to develop alternatives, as the Pentagon says it is doing. During those 3 years, if they are unable to, I will be happy to join with my colleagues, I will be here during those 3 years, to talk about other methods.

The fact of the matter is, one of the reasons why virtually every editorial writer from the left to the right, why virtually every human rights group, every church group, every medical group, veterans and others, have called for passage of this, is because they know the threat exists, not during the battle, the threat exists for decades afterwards.

Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Vermont has 57 seconds. The Senator from South Carolina, 1½ minutes.

Mr. LEAHY. Let us go ahead and vote.

Mr. WARNER. I yield back the time.

Mr. LEAHY. I yield back the time.

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. There being no further debate, the question is on agreeing to the amendment, No. 2124.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Colorado [Mr. CAMPBELL], the Senator from New Hampshire, [Mr. GREGG], the Senator from Indiana, [Mr. LUGAR], and the Senator from Alaska, [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

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

The result was announced, yeas 67, nays 27, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—67

Abraham	Exon	McConnell
Akaka	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Bennett	Ford	Moynihan
Biden	Glenn	Murray
Bingaman	Gorton	Nickles
Boxer	Graham	Packwood
Bradley	Grassley	Pell
Breaux	Harkin	Reid
Bryan	Hatch	Robb
Burns	Hatfield	Rockefeller
Byrd	Inouye	Roth
Chafee	Jeffords	Santorum
Coats	Johnston	Sarbanes
Cohen	Kassebaum	Shelby
Conrad	Kennedy	Simon
Coverdell	Kerrey	Simpson
D'Amato	Kerry	Snowe
Daschle	Kohl	Specter
Dodd	Lautenberg	Thompson
Dole	Leahy	Wellstone
Domenici	Levin	
Dorgan	Lieberman	

NAYS—27

Ashcroft	Grams	Mack
Bond	Heflin	McCain
Brown	Helms	Murkowski
Cochran	Hollings	Nunn
Craig	Hutchison	Pressler
DeWine	Inhofe	Smith
Faircloth	Kempthorne	Thomas
Frist	Kyl	Thurmond
Gramm	Lott	Warner

NOT VOTING—6

Bumpers	Gregg	Pryor
Campbell	Lugar	Stevens

So, the Amendment (No. 2124) was agreed to.

Mr. LEAHY. 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.

USUHS

Mr. FEINGOLD. Mr. President, there is an issue relating to the Uniformed Services University of the Health Sciences which I would like to raise with the senior Senator from Georgia [Mr. NUNN].

As the Senator knows, I have advocated closing down the Uniformed Services University of the Health Sciences because I feel there are more cost-effective means of supplying our military with physicians. I have introduced legislation to close the school both in the 103rd Congress and in the 104th Congress.

This Administration, and previous administrations, have advocated closing USUHS and legislation has passed in the other body to accomplish this purpose.

During last year's consideration of the fiscal year 1995 Defense Authorization bill, I was prepared to offer an amendment, based on the legislation I have introduced, that would have phased-down USUHS. However, as the Senator from Georgia recalls, pursuant to an agreement with the distinguished Senator, as well as the Senator from Hawaii [Mr. INOUYE] and the Senator from Maryland [Mr. SARBANES], I instead agreed to a provision directing the General Accounting Office to review certain aspects of USUHS, and to report back by June 1, 1995, in time for this coming fiscal year's cycle of Defense authorization and appropriation bills.

As the Senator knows, the GAO did not complete its work by the statutory deadline, and the resulting delay means that the USUHS study will not be finished in time for floor consideration of the fiscal year 1996 Defense Authorization bill.

Even though I am satisfied that there are more cost-effective alternatives to USUHS for our military's physicians, given the agreement we made last year, and the subsequent delay in the GAO's work, I am withholding offering an amendment with respect to the medical school at this time.

However, I want to make it very clear that I believe it is critical that this issue be confronted by the Congress in the very near future. Given the pressure to achieve a balanced budget, programs like USUHS are increasingly difficult to justify. Year after year, USUHS appears on target lists for elimination for this very reason.

In light of the fact that the GAO report is expected to be presented next month, there will be additional opportunities to revisit this issue before the end of the session. I hope the committee will joint me in pressing GAO to make sure there is no further delay in completion of its assignment.

Mr. NUNN. I thank the Senator from Wisconsin for his comments on this matter. I know he has had concerns about the cost-effectiveness of the Uniformed Services University of the Health Sciences, and I understand his frustration with the delay in the GAO's review of the school.

I also want to thank the Senator for approaching this issue in a straightforward and thorough manner. I think it is appropriate for this body to have the benefit of the GAO's work before acting on the school, and I appreciate the Senator from Wisconsin's willingness to wait for that anaylsis.

I assure the Senator that I fully support his resolve to have GAO complete its report at the earliest possible time so that the Congress can have the benefit of its input during this session, as

contemplated in the agreement relating to the Senator from Wisconsin's amendment regarding USUHS.

NEED FOR A CONGRESSIONAL DEBATE ON NATIONAL SECURITY REQUIREMENTS IN THE 21ST CENTURY

Mr. MCCAIN. Mr. President, I would like to take a few minutes to talk about my view of the role of Congress in shaping the debate on our future national security.

The Congress is accustomed to dealing with national defense policy and funding in the context of annual authorization and appropriations bills, and in the process, we often lose sight of the framework in which our deliberations play such an important part. Today, because of the great volatility and complexity of relations among nations, it is imperative that we broaden our focus to reassess the role of the United States and its military forces in the world in the next century.

After the collapse of the Soviet Union in 1991, it was clear that a reassessment of U.S. national security strategy and military forces was needed. The Bush Administration undertook a preliminary reassessment of our strategy and proposed the first wave of reductions in military force levels, termed the new base force. Then, in 1993, Secretary of Defense Les Aspin attempted to initiate and innovative and much-needed analysis of our military force structure in light of the changes brought about by the end of the cold war.

The concept of the Bottom Up Review [BUR] was excellent; unfortunately, the result was not as innovative as many had hoped. What was advertised as a critical review and reshaping of a new military force instead became just another top down review, unduly limited by fiscal constraints and bureaucratic inertia. It became largely an exercise in defending existing force levels and composition within established levels for future defense budgets, rather than a new approach to military strategy and requirements in a changed world. To complicate matters further, independent assessments of the cost of the BUR force show that it exceeds the funding levels in the Future Years Defense Program [FYDP] by $42 to $488 billion.

What is needed today is another attempt at conducting a bottom up review, but this time, we must not artificially and arbitrarily limit the scope of the study. We certainly cannot ignore the fiscal realities of our debt-ridden Federal Government, but we would be foolish to predetermine the defense budgets of the future in conducting this analysis. Instead, we should follow a logical thought process, starting with an analysis of potential threats, formulation of a strategy to deal with those threats, and a determination of force structure requirements, which should then drive resource allocation decisions.

I should note the significant work already undertaken in this area by the Center for Strategic and International Studies (CSIS). Earlier this year, CSIS published a document entitled ''Defense in the Late 1990s: Avoiding the Train Wreck'', which concluded as follows:

> . . . there is a profound crisis in security planning and the near certainty of a defense ''train wreck'' should the U.S. defense program continue on its present course, that is, inadequate funding of a force too large for the limited objectives for which the administration seeks to employ military power.

The report states that insufficient defense budget levels combined with a flawed foreign policy approach have isolated the United States from its allies and friends.

As a nation, we face the challenge of defining the role of the United States in a world of continually shifting alliances and relationships. We face the challenge of moving beyond tactics and philosophies developed painstakingly to counter the apocalyptic threats of cold war adversaries. We face the challenge of planning for future threats in a world where the only constant is uncertainty. Finally, we face the challenge of sustaining or, in the view of some, regaining the courage to lead.

The Congress has an important oversight role in this process, well beyond the familiar but narrow choices between funding one program or another with the limited resources available for defense. We should begin to think about these ''big picture'' issues—identifying potential future threats, developing a national security strategy to address them, and building the right mix of forces to implement that strategy.

Mr. President, I would like to take a few minutes to outline very briefly some important points to consider as we study the issue of our national security posture in the 21st century.

The threats of the future fall into four general categories: the proliferation of weapons of mass destruction and the means to deliver them, the rise of radical Islamic fundamentalism, and the increase in regional and ethnic conflicts. Another area of concern is electronic and information warfare, where the potential for disrupting global communications and world trade could rest in the hands of one individual.

Clearly, these potential threats are more diverse, less deterrable through conventional means, and less easily defeated. Our potential adversaries are less easily identified, as are our allies. We have seen over the past decade that the adversary of today may become the ally of tomorrow. This uncertainty requires a national strategy that broadly encompasses our national interests and goals, yet is quickly adaptable to changes in the threats to facilitate early and effective action to defuse any potential crisis.

Finally, our military must be designed as a ''cache of capabilities'' from which an appropriate response to any threat to our security can be formulated. An appropriate response is one designed to affect the outcome of a situation in a manner favorable to our national interests and objectives. An appropriate response need not always entail the deployment of U.S. military personnel. Instead, an appropriate response might be as simple as redirecting overhead reconnaissance assets, providing precision-guided munitions and targeting data, selected intelligence-sharing, or providing military planning assistance.

Selectively and correctly utilizing our unique capabilities and talents may allow us to leverage the outcome of a conflict, without requiring the commitment of American lives and capital in an ongoing crisis. Acquiring the specialized capabilties—the tools—that would permit this type of selective response will allow our leaders to create and deploy a trained and equipped force, when necessary, or to tailor a lesser commitment of U.S. technological expertise to effectively defend against any threat scenario and to respond to any potential type of crisis.

To this end, I suggest a series of questions which must be answered if we are to plan properly the force of the future.

Two Major Regional Contingencies (MRCs) versus New World Disorder. Is the BUR force too rigidly structured for the two-MRC scenario? Can the BUR force respond to the potential threats of the future? Does the two-MRC strategy deal effectively with the financial and readiness drain of Operations Other Than War (OOTW), as well as the political difficulties of abandoning OOTW to respond to two MRCs? Is the two—MRC planning concept broad enough to cover the wide variety of challenges that today's world is likely to generate?

Airpower. What role doe we expect tactical air forces to play in future conflicts? How should we conduct battle management and optimize the use of these resources? Which munitions should be procured? What type and mix of aircraft platforms are most likely to be required in the future?

Naval Forces. What type of Naval force will be required to counter future threats? What will be the lead ship of tomorrow's Naval Battle Group? How should we distribute emphasis among ship platforms?

Army Modernization. How long can the Army maintain its readiness with only upgrades and modifications of existing equipment? What is planned and scheduled for procurement in the future?

Expeditionary Forces. Will the expeditionary force truly become a ''911'' force? What equipment will expeditionary forces require? Will we find ourselves facing more deployment requirements than we have forces available? How will expeditionary forces adapt to joint operations, and how will other services adapt themselves to support these forces?

Reserve Forces. What is the appropriate role of the reserve components?

Should we cease funding units that have proven to be undeployable in times of crisis? Should we restructure the missions assigned to the reserves to focus on activities that are directly related to civilian occupations, such as airlift, medical support, public affairs and information services? Should we move noncombat support functions into the reserve, maintaining only combat and combat support missions for active duty personnel.

Recapitalization versus Readiness. What are we doing to balance near-term readiness requirements against our need for future modernization? What is our R&D strategy? Are we correctly differentiating between modification and modernization of existing systems, and next generation systems?

Missile Defenses. What emphasis needs to be placed into funding this category and with what priority? What threat will be posed to the United States and our allies and friends by ballistic missiles in the future and how will we respond? Will defense of allies from ballistic missiles require us to maintain Aegis upper tier ships on station in the same manner as we now maintain carrier forces abroad?

Nonproliferation and Counter Proliferation. Are our non-proliferation policies and programs effective? What improvements should be undertaken? Will we emphasize unilateral or multilateral efforts to control proliferation? What programs are required to protect against the failure of nonproliferation policies?

Nuclear Weapons. What role will nuclear weapons have in the near-term? The far-term? What is the most effective means of eliminating the need for nuclear weapons, and of monitoring other nation's nuclear forces? How should we plan for their eventual elimination? How should we plan to maintain safe and reliable nuclear weapons until they are no longer necessary?

Industrial Base. What goods or services are unique to military readiness that cannot be supplied by the private sector, immediately or relatively quickly? What can not be provided for by a freemarket?

BASE CLOSURE

When should we mandate another round of base closings? Do we need to see the shape of the future military before proceeding with further closures? Do we really understand how to close bases and achieve savings? How can we improve the current process to respond better to the needs of both the military and the local communities?

With these questions in mind, we must now step up to the task of answering them, and the many other important issues that I have not mentioned. In its oversight role, the Congress shares in the responsibility of providing adequate forces, properly trained and equipped to deal with whatever consequences a changing world portends for the United States. We have an opportunity to chart a new course for national security, and we cannot afford inaction when offered a chance to abandon ''business as usual''.

Starting this fall, I plan to undertake a series of hearings in the Readiness Subcommittee to explore the questions discussed above. The objective of the hearings would be to formulate recommendations for a national security strategy and military force structure for the 21st century.

This year, the Readiness Subcommittee held several broad-based hearings entitled ''Readiness 2001'' which were designed to assess the readiness of our current force to meeting the projected threats of the future. The results of those hearings were not encouraging. We must recognize, as we approach the watershed of the next century, that our military forces cannot remain static in a changing world. The hearings I am proposing for this fall will attempt to divine an appropriate force structure for the future at an affordable price.

I believe the subcommittee should solicit testimony from a wide variety of national security experts, like the CSIS, as well as Administration officials, to ensure all viewpoints are considered. While I have not yet had an opportunity to discuss this matter with Chairman Thurmond, I look forward to working with him and with the other subcommittee chairmen with expertise in many of these areas.

As we undertake this effort to develop a new national security vision, we must recognize that we will fail the American public if we continue to ignore the reality of decreasing defense funding. Because of the need to balance the federal budget and reduce our nation's massive federal debt, the debate in the future will focus ever more narrowly on ''guns versus butter''. I believe that, when the subcommittee's review is complete, we may well find that less money is needed to maintain a smaller, smarter military force that can adapt to the changing threats to our security in the future.

We cannot continue to fund every new program with a unique or interesting capability. Instead, we must thoroughly assess the threats facing our nation, determine our national security interests, and then carefully select only those programs which are directly relevant to protecting those interests and which are affordable in the future.

If we do not make the hard choices in entering into commitments with our allies and friends, and if we then fail to prioritize among weapons systems to enable us to support those commitments, we will fail in our most basic responsibility—protecting the security of the American people.

ELK HILLS

Mr. JOHNSTON. Mr. President, S. 1026, in compliance with the Budget Resolution, requires selling the Naval Petroleum Reserve Numbered 1 (Elk Hills) no later than the end of fiscal year 1996. The Administration recommended that the sale take place over at least two years to ensure enough time to finalize the equity shares, conduct an outside evaluation of the quantity of hydrocarbons in the reserve and the value to the taxpayers, and carry out a competitive bidding process. I commend Senator BINGAMAN for his efforts in the amendment he cosponsored with Senators MCCAIN and Campbell to title XXXIII of the bill to ensure that the government will receive full value for the assets when sold. The Elk Hills property currently generates net revenues to the Treasury in excess of $400 million a year. I hope the Armed Services Committee and the Senate as a whole will take a hard look during the reconciliation process at how this extremely valuable national asset is sold in order to meet near term budget goals.

AMENDMENT NO. 2112

Mr. SIMON. Mr. President, I am in strong support of the Exon-Hatfield amendment to strike the $50 million authorization for hydronuclear testing. This provision is a waste of money and is not necessary, and could potentially damage our ability to achieve a truly Comprehensive Test Ban Treaty.

Many of my colleagues have cited the report released yesterday by the JASONs—the country's top nuclear experts—who find that ''a persuasive case has not been made for the utility of hydronuclear tests for detecting small changes in the performance margins for current U.S. weapons.'' After one thousand nuclear tests over 50 years, we have sufficient experience from which to assess the safety and reliability of our nuclear stockpile.

As I read the study, the conclusion is clear—we do not need hydronuclear testing. Any benefits that could be derived from further testing are resoundingly dwarfed by the benefits to our security achieved through a comprehensive test ban. The arguments for hydronuclear testing relate to technical measurements and scientific curiosity. The arguments against it relate to nonproliferation and the long-term security of the United States and the world. There simply is no reason for this program.

Mr. President, I urge support for the Exon-Hatfield amendment, and for a true comprehensive test ban.

MILITARY EXCHANGE STORES

Mr. FAIRCLOTH. Mr. President, section 372 of Senate Bill 1026 proposes to eliminate certain restrictions on the purchases and sale of items in military exchange stores. In particular, the bill prohibits any restriction on cost, prices, categories, or size of items offered for sale. I strongly oppose this provision, as does the National Federation of Independent Businesses which represents small business owners nationwide.

While I initially intended to offer an amendment to strike this section of the bill, I have since spoken with Senator COATS who is chairman of the Personnel Subcommittee of the Armed Services Committee. I am confidant that the chairman understands my

concerns and that they will be addressed in conference. In the interest of making progress in completing action on this bill, I will not offer my amendment. I would, however, like to briefly express my concerns about section 372 of this bill.

If enacted as currently written, this bill would permit a military exchange to sell virtually any product. As it stands, a military exchange does not have to pay rent, pay taxes on revenue, or obtain local licenses. Without these requirements typically faced by private store owners, a military exchange enjoys an unfair competitive advantage. In addition, because a military exchange does not collect State sales tax, local businesses are further disadvantaged.

As a consequence of this preferential treatment, private businesses cannot afford to offer the same low prices as a military exchange. If—as this bill would allow—a military exchange is permitted to sell a virtually unlimited variety of products at prices which are lower than those available at comparable private sector stores, then the consequences for small business owners will be devastating.

I believe that the existing regulations—while not perfect—do impose some restrictions to protect local private sector vendors against unfair competition from military exchanges. At the same time, existing regulations also ensure that military personnel have access to necessary goods at reasonable prices. I am grateful to my friend and colleague Senator COATS for working with me to address my concerns.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I wonder if the managers might be in the position to indicate now if they have any opportunity to find out how many amendments are remaining and if we can reach some agreement on the number of amendments.

As I understand, there are no amendments on this side. Well, I think two exceptions—one, I think, may be part of the managers' amendment; one may be offered by the Senator from Colorado. He has been negotiating with the other side. So, I would say at most there are maybe two or three amendments on this side of the aisle.

I do want to commend the managers. We wasted 5 hours yesterday on this bill. Then we had 7 hours—was that yesterday?—so long ago, the day before, I guess. We had 7 hours on one amendment. So I think if you take out those 12 hours, we made a lot of progress on this bill. But I get the strange feeling that there are a number of people on the other side who do not want the bill to ever pass. If that is the case, they might as well be up front about it, and we can take the next step.

So we are down to about at least two or three amendments on this side.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I do not know, I guess I would have to go back and look and see how many amendments are offered every year on this bill normally. I would guess it is somewhere between 80 and 100.

I have been able to poll most of our colleagues. Two or three are not here and had specifically listed a number of amendments. But we have been able to tabulate the number. It is at least 41. And to my knowledge, except for Senator BINGAMAN, there are no Senators on our side who are prepared tonight to enter into a time agreement.

So, this bill will be debated for some time to come, if each of these Senators can be accommodated. But that is where we are right now.

Mr. DOLE. I would say, as far as absent Senators, if we are going to start accommodating absent Senators, we will never get anything done around here. We accommodated Senator BUMPERS because of the special circumstance. I understand Senator PRYOR has an amendment on the bill tomorrow. We are trying to accommodate him because of an illness in the family. I am not suggesting that.

But if absent Senators are going to determine what the rest of us do who stay here, then we will never finish any bill. But it is pretty clear from the leader there is no intention to let us pass this bill. That follows the pattern we have had all year long, to slow down every time you get close. ''Wait a minute. Let's don't pass this. We don't like the ABM vote. We don't like some of the other votes.'' It makes it very difficult for the majority leader, whether it happens to be a Democrat or Republican, when there is no cooperation.

And we do not have much leverage except for nominations and other things that we can hold up. And we will do that. We will do that. But I would rather work something out where we do precisely—can we get a list of the 41 amendments? That would be fewer than the 105 amendments we had earlier. Can you identify the 41 amendments?

Mr. DASCHLE. I think we would be prepared to list them. In fact, they are listed.

Mr. DOLE. It says ''relevant.''

Mr. DASCHLE. That is as good as we can do. We cannot list the specific issues in some cases because the Senators have not been prepared to list them tonight. No one told them tonight they had to list exactly what the topic is or the time agreement of which they would have to debate the amendment. All they were required to do is list the fact that they were relevant. They have done that. We are prepared to give that list to the majority leader and go from there.

Mr. DOLE. Will somebody hand it to me? Who has it?

Mr. DASCHLE. We are going to have to work through the longer list that we had. We have been able to get to the point where I think we have a list of 41.

Mr. DOLE. We ought to vote tonight. Are there any amendments on this side that we can get a time agreement on?

Does the Senator from Arizona have an amendment? We will work on this side of the aisle, if they do not want to work on that side of the aisle.

The Senator can offer his amendment.

Mr. NUNN. I can say to the majority leader one little note of at least slight encouragement. There has been a crosswalk between the ones that we have both been working on to clear and the 41 listed. We have 16 that we know we cleared on both sides. We can handle those tonight. And we have 10 more that we are working on to clear. That is 26 total amendments. The last 10 have not all been cleared. Some of them—we think that most of them will be cleared. So that is 26 amendments. We have a correlation between that list and the 41 amendments listed here. That can be done. When it is done you can have a different picture. You can have, instead of 41 amendments, you could conceivably have half that number. And that gets within reach.

Mr. DOLE. There were about 18 cleared last night. It is not that we have not taken care of a lot of amendments for, I guess, Members on both sides of the aisle. I think the managers are prepared to look at others, if they can be negotiated; is that correct?

Mr. NUNN. Right.

Mr. DOLE. I do not know what the correlation is. Are there amendments on this side of the aisle?

Mr. BROWN. Yes, I am prepared to offer one.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2125

(Purpose: To clarify restrictions on assistance to Pakistan and other purposes)

Mr. BROWN. Mr. President, I rise to offer an amendment. I send it to the desk and ask for its immediate consideration.

Mr. DOLE. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2125.

Mr. BROWN. 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, add the following new section—

SEC. . CLARIFICATION OF RESTRICTIONS.

Subsection (e) of section 620E of the Foreign Assistance Act of 1961 (P.L. 87–195) is amended:

(1) by striking the words ''No assistance'' and inserting the words ''No military assistance'';

(2) by striking the words ''in which assistance is to be furnished or military equipment or technology'' and inserting the words

''in which military assistance is to be furnished or military equipment or technology''; and

(3) by striking the words ''the proposed United States assistance'' and inserting the words ''the proposed United States military assistance''.

(4) by adding the following new paragraph:

(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

(A) International narcotics control (including Chapter 8 of Part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

(B) Facilitating military-to-military contact, training (including Chapter 5 of Part II of this Act) and humanitarian and civic assistance projects;

(C) Peacekeeping and other multilateral operations (including Chapter 6 of Part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

(D) Antiterrorism assistance (including Chapter 8 of Part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes;

(5) by adding the following new subsections at the end—

(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

(g) RETURN OF MILITARY EQUIPMENT.—The President may return to the Government of Pakistan military equipment paid for and delivered to Pakistan and subsequently transferred for repair or upgrade to the United States but not returned to Pakistan pursuant to subsection (e). Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States.

Mr. BROWN. Mr. President, this is not the amendment I hoped to offer early this evening. I hoped to offer a comprehensive settlement of the outstanding question we have with Pakistan, and that results over a $1.4 billion paid to us for military hardware which has not been delivered because of restrictions and sanctions under our current law.

They are in the circumstance of—one of our best allies and most faithful friends—having paid their money, $1.4 billion, but not delivered the equipment that they paid for. I am sure every Member is uncomfortable with treating a friend that way.

There is, indeed, a reason for those sanctions. They relate to our firm commitment as a country to nonproliferation. I do not rise to express concern about that. But that aspect of our settlement with Pakistan is in dispute. There are Members who feel very strongly that any compromise on the shipment of military hardware is inappropriate. So I have not chosen to offer that aspect.

All that is offered in this amendment is the exact language that came out of the Foreign Relations Committee. It passed 16 to 2. We have been assured by the interested parties, at least most of them, that they do not object to it. What it includes is an authorization for cooperation with Pakistan for the suppression of the narcotics trade.

Mr. SANTORUM. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BROWN. Mr. President, that effort of suppressing the——

Mr. DOLE. The Senate is still not in order. Will Senators take their seats?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats. Please take conversations off the floor.

Mr. BROWN. Mr. President, that effort of suppressing the narcotics trade is very much in our country's interest. It talks about allowing us to proceed in dealing with them in terms of suppressing terrorism. That effort is very much in our country's interest.

Two things I think are worth emphasizing. This amendment does not in any way deliver the disputed arms that are subject to debate and which I hope to offer at a different time. It does not in any way repeal the Pressler amendment, and its restrictions on military sales continue on. But it does in the economic area try and allow discourse between the countries that we think is important.

OPIC is allowed to operate, suppression of narcotics is allowed to operate in our cooperative programs, efforts to suppress terrorism are allowed to operate with those programs. This was considered in depth by the Foreign Relations Committee. It was passed out on a vote I believe of 16 to 2.

Mr. President, I want to simply add one other thing. We have a dispute with Pakistan. It is based on very sincere and important grounds. But it is also important that we have a way of continuing relations with that country. They are a country that has stood by the United States through thick and thin. They were there when it counted for us.

Some may remember when Francis Gary Powers flew his observation missions over the Soviet Union. It was from Pakistan that his plane took off.

Some may remember that the United States, when it sought to build SEATO, found one of its first members in Pakistan at a time when other countries in the region were lucky to align themselves with the United States.

Some may remember the pivotal war in Afghanistan that preceded the fall of the Soviet Empire. Pakistan put themselves and their country on the line for us when that came about.

Time after time after time, when the United States has sought help from Pakistan, they have been there to work with us.

When we asked for troops to cooperate in Somalia, it was Pakistan who came forward and sent their troops and, incidentally, suffered large casualties. When we talked about troops in Bosnia, they came forward. When we talked about troops in Haiti where there were not a lot of volunteers, Pakistan came forward.

I mention all these things, Mr. President, because while there is a dispute and a legitimate dispute about whether or not those arms should be delivered, there should not be a dispute that is to our advantage to have some discourse with Pakistan. There should not be a dispute that they have been good friends through difficult times.

All Members may remember the threats that the leaders of the Soviet Union issued against Pakistan, and yet they stood firm by this country throughout the cold war.

So, Mr. President, this is a very small step. It only deals with economic matters, basically, but it is important, I think, as a step of moving toward developing a continuing relationship with one of America's oldest and dearest friends.

I might mention at this point the words of President Clinton as he shared them with the Prime Minister of Pakistan. President Clinton said:

> I don't think what happened was fair to Pakistan in terms of money . . . I don't think it is right for us to keep the money and the equipment. That is not right. And I am going to try to find a resolution to it. I don't like it.

The President is referring to the payment of $1.4 billion and not getting the equipment and not getting their money back. That is now resolved by this amendment. But to let this moment pass without any effort to extend our hand in friendship to Pakistan, without any effort to recognize that this is a relationship that we should not throw away, I think, would be a mistake.

Mr. President, I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I support this proposal to make whole our obligations to Pakistan, a country which is an ally of the United States.

The Pressler amendment halted the transfer of F–16 planes and other military equipment for which the Government of Pakistan has paid in full. I believe we have an obligation to equitably resolve this outstanding transaction.

Mr. President, I want the United States to be seen as a country that keeps its word. We entered into a contract with Pakistan to sell military equipment, and we accepted more than $1 billion for that equipment. Likewise, the United States has made it quite clear that we will not do business with countries that proliferate. We all understand that the transfer of the F–16's cannot be completed because Pakistan has chosen not to work with the United

States on proliferation issues. However, the United States cannot continue to retain both the planes and the money.

Since the sale cannot be completed, I believe we have an obligation to come to an agreement to reimburse the government people of Pakistan. The President has offered a thoughtful proposal, which is being offered by the distinguished Senator from Colorado. I support this proposal to provide recompense the people of Pakistan.

This proposal does not send the F–16 planes to Pakistan. The administration will seek an alternate buyer for the planes, and only after the sale is completed will the proceeds be forwarded to Pakistan. This proposal also transfers to Pakistan the $370 million in other military equipment, which, I am told, will not alter the balance of power in the region.

Mr. President, I believe this proposal is fair. It is certainly just. I will vote in favor of the Brown amendment.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I reluctantly must rise in opposition to this amendment. Let me say that in 1985, when we adopted the Pressler amendment, it was supported by Pakistan. Frankly, it was the Reagan administration's amendment to settle the dispute. At the time, Pakistan said they had no nuclear program, and the Foreign Relations Committee was considering the Cranston amendment to shut off aid. My colleagues will recall the Carter administration had previously shut off aid. Our former colleague from California had sought a complete cut-off. This amendment, which conditioned aid on an annual certification, was a compromise put forth by the Reagan administration. George Bush was very much involved in it, and Pakistan supported the original so-called Pressler amendment.

At that point, they began buying planes and other military equipment knowing that they, at the same time, were developing nuclear weapons. But they were telling George Bush in his trips over there just the opposite. George Bush was very disturbed about this matter.

When he became President in 1990, the United States CIA had certified that Pakistan, in fact, had been lying and had a nuclear weapon. I know Pakistan has done a lot of things for us. I have been in there many times and want to be friends with the Pakistanis. But the fact of the matter is we acted in good faith. We adopted an amendment they asked us to adopt, and it was Reagan administration policy.

Then at that point in time, in 1990, we could no longer deliver a previous order of military equipment under an agreement that they sought with us. And that is how the now infamous fleet of F–16's came to be parked on the tarmac. Those planes were part of a $1.4 billion contract of military equipment that was made prior to the Pressler amendment, but could not be delivered after Pressler was invoked.

Recently, I proposed a plan so that the Pakistanis could be paid back their money. I proposed that the President of the United States could offer for sale these planes to Taiwan or to the Philippines or to another third party, and the President has done this. That is a positive step. That is moving forward. The rationale for not seeking their delivery is obvious: F–16's are nuclear delivery vehicles. We would be more than waiving the Pressler amendment if the F–16's were delivered. We would be striking at the very heart of our Nation's nonproliferation policy.

I have been critical of both India and Pakistan in the nuclear area. In recent weeks, we have received more disturbing news: The New York Times and Defense News reported last month that Pakistan received from Communist China key components that could be used in M–11 ballistic missiles.

Without question, a nuclear war between India and Pakistan would be cataclysmic. The names of the perpetrators and their accessories would be cursed for a millennium. To its credit, Mr. President, the U.S. Senate has taken the initiative to promote peace and stability in South Asia, and the core of that is the Senate Foreign Relations Committee.

A decade ago, under the chairmanship of the Senator from Indiana [Senator LUGAR], we voted to adopt an amendment that allowed United States aid to Pakistan to continue as long as the President can certify that Pakistan was not in possession of a nuclear device. That is how this came about. Why did the committee, and ultimately the Congress, take this action? Pakistan was the third-largest recipient of United States foreign assistance, receiving as much as $600 million annually. Pakistan was, and is today, an ally of the United States. The brave people of Pakistan were instrumental in channeling resources to Afghan refugees and rebels as they sought to repel Soviet invaders. United States officials rightly were concerned that the Government in Islamabad was interested in developing a nuclear weapon, a course of action not in our national interest.

Therefore, given the vast amounts of United States aid made available to Pakistan, we believe that the threat could be used to further two policy goals: First, to give Pakistan an incentive to ensure that the nuclear program serves a peaceful purpose, or the American people will stop subsidizing Pakistan. In short, the so-called Pressler amendment was designed to send one message: Nuclear proliferation has a price.

In addition, I urge my colleagues to look at some of the recent intelligence reports. I might say that there is available a transcript in this building of a recent briefing for Senators on Pakistan by the CIA. Obviously, I cannot state what that said. But I will say what the New York Times and Defense News reported last month—that Pakistan has been receiving from Communist China key components that can be used in making M–11 ballistic missiles.

To conclude my argument, it is this. This was an amendment that Pakistan asked for in good faith. George Bush went over and met with them when he was Vice President. He was very involved in this amendment. This was a Reagan-Bush amendment. And the truth has not been told and is still not being told today. That is the problem we have here.

I wish it were otherwise because I want to have good relations with both Pakistan and India. I have traveled to Pakistan and India several times. This problem will go on and on until the Pakistanis are willing to be honest with us in our dealings and to say what our intelligence people say and has been published in the New York Times and Defense News, and so I must very reluctantly oppose this amendment.

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

Mr. PRESSLER. Yes.

Mr. BROWN. I appreciate the Senator's leadership on this issue and his speaking out. My hope is to at least identify where the concerns are. Subparagraph (A) makes it clear that the prohibitions in the law described in the Pressler amendment do not apply to international narcotics control. This would allow us to cooperate with them in controlling international narcotics.

Mr. PRESSLER. I have no problem with that, but the larger problem is that we are not seeking any concessions from Pakistan on the nonproliferation front.

Mr. BROWN. That is one of the primary functions. The second one—I think, the second most important—is making it clear that the Pressler amendment would not prohibit peacekeeping and other multilateral operations. Paragraph (B)——

Mr. PRESSLER. Facilitating military-to-military contact, training—including chapter 5 of par II of this act—and humanitarian and civic assistance projects.

I think that has to go into Senator MITCH MCCONNELL's appropriations Subcommittee on Foreign Ooperations. I believe if we have the time to study this and the other proposal we discussed in private, we could resolve this issue.

Mr. BROWN. Part B, as I read it, facilitating military-to-military contact, training, and humanitarian and civic assistance projects.

Would the Senator have concerns about allowing military-to-military contact for the purposes of civic assistance projects?

Mr. PRESSLER. It depends on what the training means. If it is limited to humanitarian and civic assistance projects, I personally would not have a problem.

Mr. BROWN. That is the intent. Under (C) it says, ''Peacekeeping and other multilateral operations—or any provisions of law available for providing assistance for peacekeeping purposes.''

Does the Senator object to us being allowed to cooperate with the Pakistanis for the purpose of peacekeeping purposes?

Mr. PRESSLER. No, of course not. Once again, we are getting no concessions from Pakistan in the area of nuclear non-proliferation. I am basically opposed to this because it is unconditional. We are getting no concessions on nonproliferation. Indeed, according to what is happening, we are getting less cooperation lately. You can go through each of the lines, but the larger, fundamental problem remains.

Mr. BROWN. I mention that because this is not military, does not involve a package of military equipment.

Mr. PRESSLER. It says, ''The President may return to the Government of Pakistan military equipment paid for and delivered to Pakistan and subsequently transferred for repair or upgrade.'' So we are getting into a whole host of things here.

Mr. BROWN. Well, if I——

Mr. PRESSLER. I think we can get a solution if we sought the assistance of the Senator from Kentucky, MITCH MCCONNELL, and his Subcommittee on Foreign Operations. I believe we can work on this through him. Again, I am opposed to it because it is unconditional. We are getting no concessions.

Mr. BROWN. Would the Senator allow me to clarify the point he raised?

Mr. PRESSLER. Well, there is another question.

Mr. SARBANES. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. PRESSLER. I will yield to the Senator for a question.

Mr. SARBANES. Mr. President, I would like to get recognition in my own right.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES] is recognized.

Mr. SARBANES. Mr. President, I would like to speak in a broader context with respect to this issue, because I think there is a failure to understand the Pressler amendment and what it did.

The Pressler amendment, at its time, was a special exception for Pakistan. The Pressler amendment, at its time—the consequence of it was to enable the United States Government to send aid to Pakistan, which otherwise would have been prohibited since the nonproliferation law said that there was no United States aid to any country that delivers or receives nuclear materials or technology, except under IAEA supervision and safeguards.

Now, what the Pressler amendment allowed was a special exception just for Pakistan that allowed the President to waive the law if he certified that Pakistan did not possess a nuclear explosive device, and that United States aid would reduce the risk that Pakistan would get one. No other country received this special waiver.

Subsequently, through the 1980's, there were other special waivers for Pakistan from the nonproliferation laws. I say to the distinguished Senator from Colorado that maybe the American taxpayers should get back the money they gave to Pakistan during this period, on the premise that Pakistan would not go nuclear. That was the premise. And the Pressler amendment allowed this aid to flow from 1985, when the Pressler amendment went into effect, through 1990, when President Bush concluded he could no longer make this certification that Pakistan did not possess a nuclear explosive device. The Pressler amendment allowed $3.3 billion in direct U.S. aid to flow to Pakistan, even though Pakistan had violated our nonproliferation laws. Over $2 billion of that aid from 1985 to 1990 went to buy weapons. And the express purpose of making that money available to buy weapons for Pakistan was so that it would not need or seek nuclear weapons. In other words, the deal was that we do not want you to go nuclear. We know you are acquiring nuclear materials and technology, not conforming to the nonproliferation laws, but we are going to provide this military aid in order to keep you from going nuclear. That was the deal.

Now, the Pressler amendment was clearly explained, it was fully publicized. Pakistan knew the consequences if it decided to pursue nuclear weapons, despite our aid and our warnings. Yet, what they did is they took the money—almost $3.5 billion over this 5-year period, and more than $2 billion in military aid—and, at the same time, went nuclear.

This has to be understood because it is portrayed as though some terrible unfairness were done and he even quoted the President to that effect. But the fact of the matter is, is that the Pressler amendment, at its time, gave Pakistan an exception to the nonproliferation law.

The premise was we will provide them very significant economic and military assistance, seek to strengthen them, greatly enhance their conventional defensive posture as part of a deal that they not go nuclear.

As long as the President could continue to certify that they did not have a nuclear explosive device, they would continue to receive assistance.

Now, what happened is in 1990 President Bush finally said, ''I can't certify this any longer. I can't certify it.'' They have gone to a nuclear device, contrary to the deal that was contained in the Pressler amendment. I invite the Senator from South Dakota, if I am misstating the situation, to correct it.

As a consequence, what Pakistan did, they accepted this aid and they continued their nuclear program anyhow. That was not part of the deal. They, in effect, flouted our laws, took our money, and then complained when we finally said ''enough is enough,'' when President Bush said, ''I cannot certify this any longer,'' and we cut off the aid.

Now, people say this was a terrible unfairness to Pakistan. The unfairness, if I may say so, was to the American taxpayers who provided $3.5 billion on the premise that Pakistan would not move to acquire a nuclear explosive device. They took the money. They went ahead and acquired the nuclear explosive device anyhow, and now they say, ''We were treated unfairly.''

Mr. PRESSLER. If my friend would yield for a question, he is stating it exactly correctly.

I might say, with some sense of humor, when this was working in the 1980's, it was known as the Reagan-Bush amendment; it was only when it became controversial that they started calling it the Pressler amendment, I point out.

Mr. BROWN. Mr. President, I think the discussion we have had has been very helpful in giving background.

Let me emphasize a couple of things. What is offered here is not the compromise proposal that the President had asked to resolve the situation over, $1.4 billion military equipment. That is controversial. I understand there are strong feelings on both sides. I have not offered that.

I would like to offer it at a future point, but I have not offered it in deference to getting things resolved on this bill quickly tonight. What is offered is solely the portion that was worked out with the administration and with the Foreign Relations Committee. It passed 16 to 2 out of committee, and what we literally did was try and eliminate anything that was controversial.

What this does is try and go through the Pressler amendment and clarify areas where it may not apply.

Let me emphasize something. It does not repeal the Pressler amendment. It does not deliver military equipment.

Specifically, Members should know there are six things this amendment does. No. 1, it allows us to participate with Pakistan in international narcotics control. I cannot believe there is a single Member of the Senate that would object to that.

No. 2, it allows military-to-military contacts for the purposes of humanitarian and civic assistance. I have a difficult time believing anyone here would object to that.

No. 3, it allows peacekeeping and multilateral operations.

Now, Mr. President, we have gone to Pakistan and asked them as a favor to us to participate in these operations. When volunteers went to Haiti, they were not in abundance, Pakistan responded to our request. When people were losing their lives in Somalia, Pakistan responded with the largest

group. When people were asked to go to Bosnia, which is not a pleasure scene, Pakistan responded.

The third thing that it does is allow peacekeeping operations. They have been at our request.

No. 4, it allows us to cooperate with antiterrorism activity. That is in our interest. That is desperately in our interest. They have returned terrorists to us and they have worked with us.

The language of the Pressler amendment does not make it clear that they can cooperate and we can cooperate with them in those areas. That is why this amendment is necessary. It is necessary because the existing language does not clearly state that these activities can still be carried on.

There are two other items this amendment does. It allows the President—and it is may, not mandatory language—to pay for the storage costs. It simply gives him that authorization, something the President asked for, for the items of military equipment that they have paid for but not received.

Appreciate what has happened, Mr. President. We not only have contracted with them for the equipment and had it built and gotten their money for it and refused to deliver it, but we now charge them storage on the equipment that we refuse to deliver to them.

Last, Mr. President, it allows the return of other military equipment that the administration was comfortable with returning that was not involved in the sale, that was owned by Pakistan, that was returned to the United States for repairs, and it was caught in the breach. That is, returning equipment they have always had title to and was simply here to be repaired. I do not believe that is a major controversial item either with the administration or with India.

We have talked with the Indian Ambassador about this package specifically. The Indian Ambassador, I understand, has expressed less than full endorsement of the package to Senator PRESSLER. In my discussions with the Indian Ambassador, he indicated his concern was about the sale of the planes which are not included in this, and not with regard to the package.

Mr. President, I want to make it clear to Members, the items that are in this, I believe sincerely, are noncontroversial and to our advantage. They are meant to make it clear that the Pressler amendment does not prohibit us from cooperating with the Pakistanis in these areas.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Arizona.

Mr. McCAIN. Would the Senator yield for a question?

Mr. BROWN. I am happy to yield to the Senator.

Mr. McCAIN. Is it accurate to say that this passed 16 to 2 through committee?

Mr. BROWN. Yes, it voted out 16 to 2.

Mr. McCAIN. Exact same package?

Mr. BROWN. Exact same language. Nothing has been added to what the Foreign Relations Committee worked on.

Mr. McCAIN. Would the Senator be ready to enter into a time agreement on this?

Mr. BROWN. I am happy to enter into any agreement that those concerned about the amendment would wish.

Mr. McCAIN. I ask if the distinguished minority leader would be prepared to propound a time agreement.

Mr. DOLE. We are making an inquiry.

Mr. LEVIN. I would like to ask before I respond whether the Senator from Colorado would tell us whether or not the question of the delivery of M–11's to Pakistan is a question he has resolved in his own mind, No. 1. If so, whether he would tell the Senator from Michigan whether or not such a delivery would violate the missile technology control regime. And if so, whether or not sanctions should then be applied to Pakistan rather than a resolution such as this.

The answer to those questions are very relevant in terms of the time agreement, if I can say so to the leader, because we recently had a briefing on this issue up in 407 and that document is very, very clear on this subject. It is very important, that if, in fact, my questions are answered a certain way by this Senator or other Senators, then that briefing and the thrust of that briefing be made available to this Senate in executive session.

Mr. BROWN. Let me respond to the Senator by quoting to those who are in a much better position to know than I. This was a July 28 statement by Secretary of State Warren Christopher. He said, ''At the present time, although there is a fairly large body of evidence, we do not think that there is the evidence that would justify the imposition of sanctions.''

Now, let me say to the Senator, he raised an important question, and I think he is rightly concerned about the missiles. Let me emphasize something: This amendment does not bar in any way sanctions or interfere with sanctions in any way. If they are justified under the Pressler amendment, they go ahead.

This will not restrict or shortchange that at all. But it does say, when we are trying to stop terrorist activity, that we are at least allowed to cooperate with the Pakistani Government to stop narcotics, to stop terrorism, to allow them to participate in peaceful forces.

So I know the Senator has legitimate concerns, and I do not mean to shortchange them at all. I do quote the Secretary of State because I think he studied this and has looked at it and is in a better position than I. But let me emphasize, this amendment does not in any way inhibit sanctions, should they be justified under existing statutes.

Mr. LEVIN. I thank the Senator. But the evidence that was presented—and I am not free in this setting to disclose what that evidence is—in S–407 is very relevant to that issue. And it is very critical that Members of this Senate, I believe in executive session, read what the briefing was on this issue. And I cannot say much more than that. But we hear of a resolution in front of us, which is presented suddenly to us tonight—I am not on Foreign Relations, and we were talking out in the hallway about a different formula of a resolution, and I thought there was going to be a different resolution presented to a group of six of us—suddenly this resolution is on the floor.

But the question of the delivery of M–11 missiles from China to Pakistan is the most fundamental question of missile proliferation. We are worried about missiles. We all are. That was what the debate was all about yesterday.

My question to the Senator from Colorado is this. If, in fact, we are satisfied that M–11's have been delivered to Pakistan, whether or not that would trigger sanctions under the Missile Technology Control Regime? That is my question to the Senator from Colorado.

Mr. BROWN. The MTCR, Missile Technology Control Regime, does provide for sanctions for violation. Let me assure the Senator, that has nothing to do with this amendment. Those would take place if they are justified, and not take place if they are not justified. This amendment in no way interferes with those sanctions at all.

I would simply also add to the Senator, I think he is to be commended for his urgings to the Members. I think that briefing he suggested is valuable and worth going to.

Second, I think he is right to be concerned about the issue. I would not come to this body and urge that we ignore the Missile Technology Control Regime.

Mr. LEVIN. My specific question however is this. If the M–11 were in fact delivered by China to Pakistan, if that were true, would sanctions then be triggered under the MTCR?

My question is not a general one, whether MTCR provides for sanctions. My question is, if we are satisfied that the M–11 were delivered by China to Pakistan, would sanctions then be appropriate under MTCR? That is my question.

Mr. BROWN. Under our statutes, the President is charged with the enforcement of the MTCR. I read a quote from the Secretary of State. But let me assure my colleague that, at least in my understanding, is in the hands of the President. I assume it would be properly enforced if he feels there is a violation.

Mr. LEVIN. It seems to me——

Mr. COHEN. Will the Senator yield?

Mr. BROWN. I yield to the Senator from Maine.

Mr. COHEN. I am just going to ask a question of the Senator from Michigan. If we were satisfied that the missiles were in fact delivered, the question I

would have for the Senator from Michigan, would he conclude that the law requires us to apply sanctions against China? I mean, there are many violations. I know the Senator has been attacked—or accused; not attacked—criticized for bringing this amendment up because it flies in the face of what we were seeking to do, namely to dissuade the Pakistanis from acquiring nuclear weapons. I think most of us voted for that, along with Senator GLENN.

But the notion that somehow the Pakistanis have deceived us does not put them in a unique category. I think we can talk about the Indians, for example, who for years said, ''We are conducting peaceful nuclear explosions,'' only to find out years later that they were, in fact, developing a nuclear capability.

We now have the Russians, with whom we have relations, who are also conducting, I believe, experiments in a field that should be of concern to this body, in the field of chemical weapons and biological weapons. The same thing with respect to China.

I think the Senator from Colorado raises a valid point this evening. He is not seeking in any way to repeal or modify the Pressler amendment. What he is seeking to achieve is maintain the kind of relations, as I understand it, with Pakistan, that they have maintained with us. He did not mention, by way of specificity, at least, the name Yusef. Here we had a major international terrorist, as such, who was involved in the terrorist bombing in New York. It was Pakistan who helped us get him back.

I think what he is trying to achieve, namely, to maintain a relationship with Pakistan that does not contradict or undermine the Pressler amendment, is something that is very worthy of our consideration this evening, tomorrow, however long it takes.

But I think, if we are talking about whether we are going to trigger the Missile Technology Control Act, we have to look at those who are selling it as well. That would involve China and perhaps even other nations.

Mr. BROWN. Let me say this to the Senator from Maine, if I could, by way of clarification. In discussions with the administration, they indicated to us that there were real questions with the Pressler amendment as to whether or not they were allowed to participate in narcotics control operations with Pakistan, real questions about participation in humanitarian assistance, real questions about allowing them to participate with them in peacekeeping, real questions about allowing them to cooperate with them in antiterrorism activity.

It was my belief that there was value in clarifying the Pressler amendment in these specific areas.

Mr. SARBANES. What about the other areas?

Mr. BROWN. I think the Members would feel comfortable that these are things that are to our advantage, and ones that I would think—at least my own view is they probably are not ones the Senator from South Dakota meant to outlaw. But, obviously, he would be a far better spokesman on that.

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

Mr. BROWN. I will be glad to yield.

Mr. SARBANES. Does the Senator also think there are real questions with respect to the application of the Pressler amendment with respect to the storage costs and the application of the Pressler amendment to the other arms he was talking about providing under his amendment, as I understand it?

Mr. BROWN. Yes. I think the Senator is right to point those out because they are slightly different.

The return of military equipment is a question with nothing to do with the purchase of the military equipment, as I am advised by the administration. What it involves is military equipment which Pakistan owned and which needed repairs, and they sent parts or whole pieces of equipment back to the United States, as, of course, this country would like to have done, to be repaired and sent back. So these were things caught in the transition. I think that fairly falls in an area of clarification. But I think the Senator could well question that.

The question of storage costs, though, I think the Senator is absolutely accurate. It is a different thing. It was something requested by the administration. But I must tell the Senator I do not—if there are Members who object to our trying to work out something on the storage cost for equipment they paid for that we did not deliver to them, obviously, I hope they will speak forth on this issue. But I think the Senator is right, the storage cost question is different.

Mr. SARBANES. If the Senator will yield, they got $2.5 billion—over $2 billion from us to buy military equipment. We gave them that $2 billion under a special exception to the nonproliferation law, the Pressler amendment, or, as the Senator from South Dakota pointed out earlier, called the Reagan-Bush amendment. I think the Senator was accurate in doing that. We gave them this money in order to buy weaponry, not to go nuclear. And the premise upon which the money was given was that they would not go nuclear.

They took the money and went nuclear anyhow. That is the problem, and that is why President Bush finally, in 1990 said:

> I cannot do this certification anymore, in terms of waiving the law, because I cannot waive the law because I cannot certify that Pakistan does not possess a nuclear explosive device.

So they took their money and they went nuclear anyhow.

I would like to raise a question, why does Pakistan not give us back the money which they took on the premise that they would not go nuclear, since they have since gone nuclear?

Mr. BROWN. I want to assure the Senator, if he is successful in this, he has a lot of other countries we want him to talk to in that area, and could well balance the budget if we move in that area.

Let me respond to the Senator's first question because I think he raises—the Senator is an expert in this area and I think all of us value his counsel. Specifically, he is pointing out as to why assistance may have been offered to Pakistan through the 1980's. My view is a bit different. And by stating that, I do not mean to compare my expertise to that of the Senator. But let me, at least, share what my view is of the primary motivation of why the United States offered military equipment during that period.

Members may remember that the Soviet Union and the cold war had reached an intense point. At that period of time, which the Senator described, the Soviet Union had invaded Afghanistan. As all Members know, they are neighbors next to Pakistan. Pakistan played a critical role in helping the Afghans resist the invasion and turn back the Soviet tide. They did so for their own interest in protecting their country. But they also did so at great peril to their nation, and several Soviet leaders specifically contacted the Pakistani leadership and threatened their very existence as a country if they continued to provide that. They never flinched. They never backed down.

When we needed them, when we really needed them, they were there for us. I do not dispute in any way the suggestions that there are problems and that their government at the time was not truthful in some regards.

But, Mr. President, I think we would be remiss to think that the aid that we gave them during that period was solely to urge them not to have a nuclear program. I think the aid we gave to them was preliminarily related to our own survival and our own interest and our own hope that the Soviet expansionism could be stopped, and they stood up for it. They put their neck on the line. And when you are half a world away from the United States and right next to the Soviet Union, that takes guts.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The majority leader.

Mr. DOLE. Mr. President, I had risen earlier to see if there was any chance of getting a time agreement on this amendment. There are a number of Senators apparently who want to speak.

Mr. GLENN. Will the majority leader yield?

Mr. DOLE. Yes.

Mr. GLENN. We thought we were making some progress a little while ago, as the Senator from Michigan said a little while ago out in the lobby. And

I understood that we were going to have some language drawn up, and we had all agreed to determine if we could have an agreement on. The next thing I know this was going on with the Senator from Colorado on the floor presenting it.

I think just from what has happened here so far, we see this is a very, very complex issue. There was a report out of the Washington Post yesterday morning that because of MTCR violations, we should put more sanctions on Pakistan. He is right here if we want to have an executive session. I am not saying it is true. I think I would recommend that we go with the tone set by the Senator from Michigan a few moments ago. This claims that the MTCR has been violated. There is no doubt about it. This is only one item.

I have a whole file full of things that I was going to talk about on the floor if this came up. The Senator is not guaranteed that we will bring up the arms matter later on. This is just dealing with the economic matters here. But I think in the context of this particular bill that we are on here, the defense authorization bill, this is an extremely complex matter, and I could not personally agree to any time agreement on it or even give an estimate of the number of hours we would have to talk about it. This is extremely complex.

I am happy to have this brought up at a separate time and go into executive session and go into all of these things and get the same intelligence reports that some of us have been into, as I know other Members have at the agency, or whatever. But this is not something that is going to be solved I think on this.

I would have to object to any time agreement. I hate to do that. I do not like to delay. But this is a very serious matter.

Let me just add one other thing, if I might. The Senator from Maryland talked about waivers. He did not even get into them. I have nine specific waivers where we went into things for Pakistan. Each one of those should be the subject of thorough discussion here on the floor. I would be glad to go into them tonight, if you want to. But I do not think we can make any agreement for time on this at all.

Mr. DOLE. I would be happy to yield. It seems rather obvious to me that we are not going to get a time agreement. It is a very serious matter. I am not suggesting there should be. I am trying to find out if it is possible. If not, then I would hope we could have some other disposition.

Is the Senator from Iowa a supporter of the amendment?

Mr. HARKIN. This Senator is supportive of the BROWN amendment. I would like to speak on it. I feel very strongly about it.

Mr. SARBANES. Will the majority leader yield so I can put one quote in the RECORD, because I think it is very important to get the context of this correct.

The Senator from Colorado suggested that the purpose of the aid was not to dissuade them from acquiring a nuclear explosive device. I simply want to quote from letters to the Congress from President Reagan and President Bush who said:

> The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and possess such a device. I am convinced that our security relationship and assistance program are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial legitimate security needs, thereby both reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives.

So that was clearly the rationale. The nonproliferation laws would have banned any aid to Pakistan. The Pressler amendment provided an exception to that. The rationale for doing that was to try to dissuade Pakistan from going nuclear, and they took almost $3.5 billion as part of that deal and went nuclear anyhow.

So, finally, in 1990, President Bush says, ''I cannot do this waiver anymore. I cannot make this certification.'' And that is when the assistance stopped.

I have a number of other quotes from high officials in both the Reagan and the Bush Administrations during this period making exactly this point in terms of the rationale for this.

I thank the majority leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I wonder if I might suggest that we set aside this amendment, and the discussion that was going on beforehand might be continued either tonight or tomorrow. There apparently is some progress being made with all the people involved. If that is satisfactory with the principal sponsor of the amendment, I would suggest we set this amendment aside and that perhaps there could be a further discussion. If they cannot agree, it would be back before us.

Would that be satisfactory?

Mr. BROWN. Yes.

Mr. DOLE. I ask unanimous consent that amendment be set aside.

Mr. HARKIN. Will the majority leader tell us when we are going to get back to this? I have not had the chance to talk about this amendment. I feel very strongly about it. It seems like the other side wants to bash Pakistan. They have had their chance.

Mr. DOLE. There are a number of people who support the amendment. But I think just in the interest of trying to move along here, it is 11:30 p.m., and we need to decide what to do with the other 61 amendments that are directly related to the Defense Department authorization bill. This is not directly related, and I assume the others here, for the most part, are.

So I would have no objection if we are going to be here for some time—the Senator, even if it is set aside, could still speak to the amendment.

So if there is no objection, I ask unanimous consent that the amendment be temporarily laid aside.

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

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am glad it is going to be set aside. I question whether this amendment is appropriate on this bill. This bill is a defense authorization bill. This amendment appears to be one that would be pertinent to the foreign operations bill; in other words, the foreign affairs bill. It seems to me that, if we are going to bring up all kinds of amendments that do not concern this defense bill, we could be here days and days. I think the amendment ought to be withdrawn and brought up later on an appropriate bill, and that would be a foreign affairs bill.

Mr. DOLE. Mr. President, I thank the chairman. I think probably it is more appropriate, in the long run, on the State Department authorization bill. But if we are unable to get that, it will be on the foreign operations bill later on.

But I think that Senator BROWN has agreed to set it aside, and have further discussion with those who are directly involved. And I know it is very, very controversial and very, very complicated. I have learned a lot just listening to the debate on the floor.

I hope we can maybe have an opportunity to discuss that tomorrow and see whether it will be resolved.

Mr. President, I have been handed by the Democratic leader a revised list of the amendments on that side. As I understand, the total number is 61, and I think 5 of the 61 have already been cleared, others are in the clearance process as I understand it. I do not know how many more might be in the process, but maybe another 5 or 10.

Mr. NUNN. My guess is of the 61 there are probably around 15 or more that have been cleared or are in the process of being cleared. And I also would say that there are a number of those 61 that I do not believe will require a vote. I think a number of those will disappear. So I really think we are talking about a list that is much shorter than 61.

Mr. DOLE. I think what I need to determine, because we have to decide what course of action to follow—if it is the intent not to let us pass the bill, then there is not much reason in trying to even take up the 61 or any of the 61 amendments.

But it would seem to me, if we are serious about this bill, if we intend to pass this bill and we come back to it tomorrow after disposition of the Postal, Treasury bill, then I would be prepared to recess and take up Postal, Treasury, come in at 8:30 and have opening statements. Then at 9 o'clock we will have the first amendment offered under a 3-hour time agreement.

But I might ask the distinguished Democratic leader, is there a possibility we can finish this bill tomorrow?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I can say in all sincerity, it is not my wish to make the job, which is extremely difficult for the majority leader, any more difficult than it already is. He has been fair, and I respect his desire to want to finish this bill.

Let me be as candid and as frank as I can. We have had debate on some very consequential amendments in the last couple of days. On the basis of the outcome of those amendments, frankly, a lot of Members on this side believe there ought to be more discussion, more debate. We have been in consultation with the White House, and I have just received a letter from the assistant to the President for National Security Affairs, Anthony Lake. I only read the last sentence:

> Unless the unacceptable missile defense provisions are deleted or revised and other changes are made to the bill bringing it more in line with the administration policy, the President's advisers will recommend that he veto the bill.

I know that for a lot of Members who would like to see a conclusion to this bill, perhaps there are other ways and other opportunities to debate this issue but for many of our Members this is a very, very critical issue. There are other amendments. We are $7 billion over budget, and a lot of our Senators would like the opportunity to see if we can bring that cost down. They are concerned about the fact that this is $7 billion more than the administration requested. And while I am somewhat apologetic for the fact that we are having a debate here at 11:30 at night, just in the last 20 minutes I have asked my staff to share with me what has happened in past years.

In 1989, we spent 7 days and 105 amendments on this bill; in 1990, it was 105 amendments; in 1992, we spent 5 days with 87 amendments; in 1993, 5 days and 105 amendments; last year we spent 5 days on this bill with 123 amendments. We have been on this bill for a couple half days, and then yesterday virtually for the whole day, and today.

And so, Mr. President, again let me reiterate it is not my desire to complicate the life of the majority leader, but I must say in all honesty that we have some real serious problems with this bill. There are a lot of Senators who believe that we ought to debate it a lot longer—I am not suggesting necessarily a filibuster, but they believe there are some very significant issues that still have not been addressed to our satisfaction.

So we are not inclined at this point, frankly, to want to accommodate the majority leader, as much as I would like to personally, because of the concerns that people have for the legislation. And that is as frank an answer as I can give the majority leader.

Mr. DOLE. I appreciate that. I know that—at least I suspected there were a couple of amendments here that troubled the administration and troubled some Members on the other side. But, of course, the bill has to go to conference. Obviously, the President has great leverage in conference—the administration—because there are not enough votes to override a veto. The ABM vote was 51 to 48, 49. The other vote was five or six votes apart.

So it would seem to me what we ought to do is go through the process, go to conference, and then the President can decide when it comes out of conference to veto the bill. But to tell us at half the way, unless they get everything they want, they are going to veto the bill, in my view is not the wise course to follow.

There are a number of Members on both sides of the aisle who have spent weeks and weeks and months and months on this legislation, and they have been in good faith. We were going along at a pretty good pace, thought we would see the finish line, and then someone moved it. And I do not suggest that that has not happened before. We had 190-some amendments this morning. Now we are down to 61. So it would appear either they have disappeared or we have disposed of 130 of them, and many of these are in the process of being disposed of.

Even though all of these are disposed of, if we agreed right now that the two managers, which I would not object to, get up and say, ''We accept all these amendments,'' then could we go to third reading?

Mr. DASCHLE. We would not be prepared to go to third reading.

Mr. DOLE. I think that answers my question. There is no desire to pass this bill. And I do not fault the Democratic leader. I have probably stood on this floor in the same position, saying, ''We do not want to pass this bill.'' But I would like to pass some bill.

I know there are a lot of frustrations about August, and I put in the adjournment resolution as honestly as I could that we would like to be out of here by August 19. I would like to be out of here before August 19, like next weekend. But I do not believe that the majority leader has any choice, if we cannot complete our work by next Friday—and that would be this bill, the Treasury, Postal bill, DOD appropriations bill, and some disposition of welfare, and the Interior Appropriations bill—than to say we will be here the week after next. I may be the only one here, but we will be here, because it seems to me that this is very important business.

I hope the President will let us at least go through the legislative process, have the conference and then make a decision. But apparently that will not happen. So I think the only—this is sort of a finite list of 61 amendments? There will not be any, cannot be any additions, I guess.

Mr. DASCHLE. Under the unanimous consent agreement, as I understand it, there would not be any additional, but that is a finite list.

Mr. DOLE. So could I send this to the desk and say this is the new—do we have any amendments on this side? Are there any amendments to add to this?

Mr. DASCHLE. Mr. President, if I could just clarify, that is as finite a list—I do not think we would be prepared to enter into a unanimous consent agreement because, frankly, we cannot even reach a couple Senators whose other amendments may or may not be added to that list. But I wanted to accommodate the majority leader as best as I could and to give him the most accurate information.

Having had the consultations I have had with virtually all of the Members of our caucus—there were some we could not talk to, could not reach—61 is my best estimate. But I would want to protect Members that I have not had the opportunity to talk with, so I would not be prepared tonight to enter into any agreement that would preclude others from, who were originally protected from being protected after this list had been submitted. Mr. President, I made reference to the letter from Mr. Lake. I ask unanimous consent to have it printed in the RECORD.

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

THE WHITE HOUSE,
Washington, August 4, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader, United States Senate, Washington, DC.

DEAR MR. LEADER: On July 31, the White House issued a Statement of Administration Policy (SAP) on S. 1026, the National Defense Authorization Act for Fiscal Year 1996. In that SAP, the Administration warned that S. 1026 raises serious constitutional, national security, budget and management concerns, and that the President will not support the bill unless those concerns are addressed.

As I made clear in my remarks to the Democratic Senators policy lunch on Tuesday, first and foremost among our concerns about the bill are the unacceptable provisions relating to the ABM Treaty and National Missile Defense (NMD). In our view, these provisions, if enacted into law, would effectively abrogate the ABM Treaty by mandating development for deployment by 2003 of a non-compliant, multi-site NMD and unilaterally imposing a solution to the ongoing negotiations with Russia on establishing a demarcation under the Treaty between ABMs and theater missile defenses (TMDs). The effect of such actions would in all likelihood be to prompt Russia to terminate implementation of the START I Treaty and shelve ratification of START II, thereby leaving thousands of warheads in place that otherwise would be removed from deployment under these two treaties. For this reason, Secretary Christopher, Secretary Perry and General Shalikashvili have made their objections to these provisions clear in separate letters to the Senate.

On Thursday, the Senate voted on an amendment offered by Senator Levin and cosponsored by Senator Nunn and many other Democrats that would have struck the ABM and NMD provisions in the bill that are the most objectionable. On behalf of the President, I would like to commend Senator Levin, Senator Nunn, and all the other Democratic and Republican Senators who

made such cogent speeches in support of the amendment. Regrettably, it was defeated 51–49.

I understand that debate on S. 1026 will continue today and perhaps into next week and that other amendments relating to ABM and NMD may be offered. I hope that our serious concerns about these issues as well as others outlined in the Statement of Administration Position may yet be addressed. But let me be clear: unless the unacceptable missile defense provisions are deleted or revised and other changes are made to the bill bringing it more in line with administration policy, the President's advisors will recommend that he veto the bill.

Sincerely,

ANTHONY LAKE,
Assistant to the President for National Security Affairs.

CLOTURE MOTION

Mr. DOLE. Mr. President, I do not know of any other alternative than to file cloture, which probably the Democrats have made a decision they do not want this bill to pass and that we cannot obtain cloture, but I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1026, the Department of Defense authorization bill:

Bob Dole, Strom Thurmond, John Warner, Bob Smith, R.F. Bennett, Spencer Abraham, D. Nickles, C.S. Bond, Trent Lott, Jon Kyl, Craig Thomas, Larry E. Craig, Connie Mack, Dan Coats, Bill Cohen, John McCain.

ORDER OF PROCEDURE

Mr. DOLE. So, Mr. President, I do not see any reason to keep my colleagues here any longer. But it is fairly clear to this Senator that for reasons stated by the Democratic leader, we will not complete action on this bill tonight. But it will be the intention of the majority leader that after, hopefully, disposition of the Treasury, Postal bill we will go back to this bill tomorrow afternoon.

There will be votes tomorrow. There will be a lot of votes tomorrow. I do not want anybody to leave town thinking, ''Oh, well, we have got that taken care of.'' But, again, let me say to my colleagues, I would hope that we could cooperate here in the next 4 our 5 days and try to get out of here for at least part of the August recess. And I know everybody has plans or would like to have plans. Everybody asks, ''Why can't we say now we can leave next Friday?'' This is a good reason why we cannot say we can leave next Friday. We could have finished this bill by this morning or tomorrow afternoon, but we are told that is not possible. If we took all these amendments we could not go to final passage.

It is pretty obvious that there may be enough Members on the other side to prevent us from obtaining cloture. And even if cloture is obtained, you have 30 hours. That would take some time.

So there will be no more votes this evening. And we will do our best to proceed tomorrow on the Treasury, Postal bill.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

LOOKING TO THE FUTURE OF VERMONT'S ENVIRONMENT

Mr. LEAHY. Mr. President, one of the most important aspects of the quality of life in my native State of Vermont is the quality of our environment. We can swim in our lakes, fish in our streams, camp on public lands, hike through the woods, and breathe fresh air without risking our health. The quality of Vermont's environment is recognized nationally and drives much of the economy for us in Vermont.

Vermont's environmental quality depends on Federal environmental laws to set standards and fund cleanups—this is an undisputed fact. The Clean Air Act has reduced air lead levels by 99 percent, carbon dioxide emissions by 50 percent, sulfur dioxide by 40 percent, and acid rain chemicals by 27 percent. However, many cities have experienced ozone levels this summer that are twice the maximum healthy limit. Some Americans simply cannot take an afternoon walk without experiencing breathing troubles. Polluters do not have the right to deprive people of an afternoon walk, and as a Senator from a State downwind of one of the country's biggest ozone generators in the country, New York City, I am concerned. Clearly, we have more work to do.

In 1970, 60 percent of Vermont's communities discharged raw sewage into the State's waterways and bacteria consumed so much oxygen that many of the State's streams could not support fish. Through the Clean Water Act and other efforts, we have provided at least secondary waste treatment facilities for all communities and reduced point-source phosphorus pollution by 80 percent. With the Department of Agriculture's help, more than 400 Vermont farmers have contributed a total of $5.8 million to match $13.4 million of Federal funding to reduce the phosphorus runoff from farms. On the other hand, 1,500 hazardous waste sites in Vermont threaten the groundwater for some of the 120,500 public and private wells, and the State recently had to issue a mercury warning for Vermont fish. We still have work to do to protect our children and our communities from water pollution.

Vermont's fish and wildlife populations are relatively healthy because of international wildlife treaties and domestic efforts to protect habitat in Vermont. Where we once had abandoned farms and woodlots during the Depression, we now have the Green Mountain National Forest—350,000 acres of habitat for black bears, songbirds, and even Atlantic salmon. In 1985 Vermont had its first nesting pair of peregrine falcons since the 1950's; last year 11 pairs fledged 31 peregrine chicks. Still, nine species of native mussels are threatened by the zebra mussel, and heavy metals such as cadmium have been found in moose and deer liver. Without constant vigilance, certain fish and wildlife populations may slip into decline as they have in other parts of the country.

I am proud to share these successes, and hope that others will join me in enjoying the fruits of our efforts to protect the environment. The results of our hard work have made Vermont a better place to live for families. Vermont's quality environment provides activities like swimming, snowmobiling, boating, fishing, hunting, hiking, and camping that keep us refreshed and entertained all year long. Many of these activities are Vermont traditions which have been passed from generation to generation. I do not want to give these up.

I also want to make people aware, however, of an effort to turn back the clock on these successes. There is a new four-part strategy in Congress to dismantle environmental protections in our great country. The antienvironment lobbyists and some Members of Congress are using indirect, backdoor efforts to gut the statutes that have helped us clean up and protect our environment. I want people to understand what the new majority is doing so that we can turn back these attacks.

The first step in this strategy is to cut the funding of environmental and natural resource agencies. This year alone, the House of Representatives cut the Fish and Wildlife Service by almost 25 percent, the National Biological Service by 30 percent, and the Environmental Protection Agency's [EPA] enforcement budget by 50 percent. Without officially repealing the Endangered Species Act, the Clean Water Act, or the Clean Air Act, the new majority has made it nearly impossible for the Government to carry out these goals.

Their second step is to create regulatory gridlock. The so-called Regulatory Reform Act forces agencies to do study after study, each one subject to lawsuits from well-financed corporate industries. The EPA estimates that the studies will require hundreds of new staff and delay new environmental rules by several years, if not indefinitely. By cutting the budget but increasing the workload, it is clear that some people want to tie the hands of the EPA so it is powerless to protect the environment. They are saying, ''Go ahead and pollute because we don't give a hoot.''

The third part of the attack on the environment is the unfunded mandates law that the 104th Congress has already passed. This bill says that the Federal Government cannot ask State governments to enforce environmental laws unless the Federal Government provides the funding necessary to implement and enforce them. While the bill does not affect current laws, we would not have our Safe Drinking Water Act, Clean Water Act, or Clean Air Act if this law had been in place 25 years ago.

The final piece of the four-part attack is the so-called takings legislation. This legislation is based on the premise that anybody can do anything they want on their land, regardless of what the impact is on their neighbors, their community, and their country. Senator DOLE's takings bill forces the Government to pay cash to landowners who are asked to do something to protect the environment, such as putting a filter on a smokestack or not cutting trees within 50 feet of a river. Essentially, the bill forces the Government to pay a landowner not to pollute, not to harm endangered species, and not to fill in wetlands. Since our Government has a deficit already, it is clear that the proponents of takings legislation believe that the bill will force the Government to allow polluting since we cannot afford to pay people to stop.

This is only the tip of the iceberg. There are other bills to open hundreds of thousands of acres of wilderness to mining and oil drilling, perpetuate the golden giveaways in the 1872 mining law, turn over more public land to subsidized ranchers, and suspend environmental laws that regulate national forest logging. I am afraid that we face a difficult challenge protecting the environment in the 104th Congress. But I know that the environment is important to the American people. And I believe people will not tolerate these attacks. Everyone who shares even a remote concern for the environment and the world our children will inherit needs to be aware of the efforts underfoot. There are many ways that Americans can come together to stop the antienvironment effort. The people of this country did not ask this Congress to turn back the clock. They should not try and we should not let them.

STUDENTS ACROSS THE COUNTRY EMPHASIZE THE IMPORTANCE OF FEDERAL COLLEGE AID

Mr. KENNEDY. Mr. President, as we continue to navigate the budget process and make difficult decisions about spending cuts, we must look harder at our priorities and make sure that our choices are sensible.

It is easy to fall into the trap of looking at budget numbers in an abstract way and forget about the very real consequences that cuts in student aid will have on young men and women in this country.

The most compelling arguments for the preservation of student aid are made by the recipients of that aid whose lives have been changed for the better by the education they have received. My office has received over 1,500 statements from students or former students responding to the proposed cuts of that aid. Almost to a person, they say that aid is crucial. I ask unanimous consent that a sample of these statements may be printed in the RECORD. The States where these students live or attend college are listed, but other identifying information has been removed.

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

ALASKA

When my oldest sister went to college grants were offered to lower income students. Today, loans are the only offers in abundance. Education for America's future is not a priority. It should be.

ALABAMA

1) After having gone bankrupt and losing a lot of my material goods in 1993, college did not appear to be in any way even close to an option. At that time I was not familiar that someone of my age could even apply for financial aid. I did apply. I was awarded with financial aid. I have been on the president's honor roll now for three out of five quarters at the University of Alabama-Birmingham. My major is Social Work with an emphasis in working with people with disabilities. I am also learning sign language. With the internalized experiences that I now have—in putting my life back together—I have too much to offer the field not to go in that direction. I hope one day to open a vocational training center in wood working and welding for the deaf. I will succeed.

I can certainly empathize with congressional constituents in attempting to cut the budget. It cannot be an easy task I know. But the last place that I would think that you would want to cut would be education.

ARIZONA

(1) I am now a Junior at the University of Arizona, and I am studying Material Science and Engineering. I come from a single parent household, and at the age of 18, I left home because my mother could not afford to keep up the rent on the home we lived in. Without the financial aid I get, I would have to work about 30 hours a week instead of the 12–15 hours that I do work now in order to support myself. Living with my mother's boyfriend is not an option because we do not see eye to eye on many things, and living there would put too much undo strain on all parties involved.

I am a first generation American of Mexican descent, therefore my mother didn't attend college and from what I have heard, my father didn't graduate from high school. I have an opportunity to be the first member of my entire extended family to attend a university and earn a degree. Financial aid is vital to my survival here.

I know there are more out there with my story, so please don't cut financial aid, it will hurt those of use who really need it. I can't afford to work many hours and go to school at the same time; not when I am working for an Engineering degree.

(2) My story is quite simple, really. I would not have gone to school without student aid. It is just that simple.

I graduated in 1993 from the University of Tulsa with a BS in Economics. I graduated Magna Cum Laude and Phi Beta Kappa. Currently, I am employed as a market analyst with WilTel, the fourth largest telecommunications company in the US.

None of these opportunities would have been possible without the SEOG and Pell Grants I received. My father was working class and only had an income of $16,000/yr while I was in college. I worked 30 hours a week at various jobs, including a pawn shop and a financial planning firm, to cover my living expenses through school. Without the grants, however, my only option for paying tuition would have been loans. Mind you, I took $8,000 in loans to cover tuition that was not paid by my grants, so I did not get a free ride. But borrowing much more than that would have made college costs prohibitive.

I am a pretty pragmatic person. Considering today's job market for college graduates, I could not have justified borrowing $15,000 or $20,000 to go to school as my earning potential would not have been enough to cover my loan payments upon graduation. Furthermore, there was no guarantee of a job upon graduation. Borrowing that amount of money would have been a poor risk. Without federal support, my life would not have succeeded as it has. Please support continued funding for student loans.

CALIFORNIA

(1) I grew up in rural California in a town called Laytonville. My high school consisted of 180 students. I graduated with 35 other individuals, about 10 of whom have gone on to postsecondary education. Of those people, I don't know of one who would be able to continue their education without federal financial aid. Due to unsustainable logging practices, the Laytonville economy (which used to be based on logging) is almost non-existent. The few legal jobs available are in education or in catering to the needs of wealthy tourists or the marijuana farmers that support most of the town. By continuing my Stanford education, I hope to be able to make meaningful contribution to society. I hope to work to improve the logging practices that destroyed the economy of my hometown.

My father commutes three hours a day to work as a paralegal and my mother makes under $15,000 a year as a clerk in a clothing store. They cannot afford to pay for my education. Without federal support I would have to return home and choose between dodging police helicopters to make a decent living growing marijuana or barely subsisting on the wages of a gas station attendant. I have worked hard to reach Stanford. I would hate to have to spend the rest of my life knowing that my government was more interested in making missiles to sell overseas than in helping me to make a meaningful contribution to my country.

(2) I cannot even begin to express my gratitude to the programs that have allowed me to have the financial ability to pursue my education. Everyday I feel so fortunate to be able to have this opportunity, I always knew that I would go to college, but I never really thought about what a financial burden it could be.

My mother depends on her meager income and assistance from our immediate family to keep us financially stable. She came to this country from the political oppression of Vietnam in search of a better future. But, as her daughter, I wonder if it is any better for her as she endures 12-hour days, six days a week, as a manicurist, with no vacation, no health insurance, and no pension. My mother waits by the mailbox everyday to see if my financial aid will be as helpful next year as it has been this year. She has given up on her future and knows that she must work to survive. But, for me, she hopes not just for survival, but possibilities. When I was a child,

she would grab my hand and feel them to see if they were calloused like hers. Her one wish is that the hands of her children will be free of those callouses and they will be able to use their minds, rather than be condemned to a life of hard labor.

That is what it comes down to. You are talking about more than just monetary amounts; you are talking about possibilities. With the price tag of around $13,000 to go to a University of California school, those with meager incomes are alienated from the institutions of higher learning. This is not right.

Why should children try if there will be no one to recognize the pure merit of a desire to learn? Take something else away, but do not take away the opportunity for people to better themselves.

COLORADO

My husband and I have an adopted 17 year old son, just beginning his senior year of high school. He wants very much to attend college. My husband is a blind customer-service representative for a large company. Just before Christmas, my husband's company told him and some other employees that if they wanted to keep their jobs they would have to take a rather large pay cut. From the beginning, we did not feel that the public schools in this area could give our son the basics in education that he needed. We elected to spend our money on his tuition and thought that he would be able to apply for aid when he got ready to consider college. We struggled to put our son through private school, from kindergarten through high school, because we feel that a good education is a worthwhile expenditure. It is all we can do to handle our bills, especially now with the pay cut. I just do not see how our son can manage to attend college if aid is not available.

I am certain that there are other families who feel that education is a vital part of the future of our country. How can we have leaders if our children can't get the education they need to prepare them? Please do not cut aid to students.

GEORGIA

1) In 1994, I made the decision to quit my job, leave home, and borrow $10,000 to finance my first year of education as a returning graduate student. My situation is not unusual. Because of the demands of graduate study most students are required—either by department regulations or by the demands of their workload—to abandon their sources of income.

Before arriving at my decision—to abandon my home and income—I had to be sure that my debt would be manageable both during and after my graduate education. Had the current structure not been in place, I would not have been able to seek my degree. America would have had one less instructor to help our students be competitive and one more bartender to mix drinks and pour beer.

As a teacher, I will not be making the doctor's salary quoted by Rep. Goodling. To me, a $100 to $400 increase in loan payments is not ''pennies a month.'' My situation is not the exception, but the rule. Please leave the loan system intact. Do not prevent those of us who need it most the chance to improve ourselves and, through our work, improve the nation.

2) My name is David Lamar Brand, Jr., and I am a second year student at Mercer University School of Medicine in Macon, GA. If it were not for federal subsidized student loans, I would not have been able to attend college. My parents, who themselves never attended college, were not able to finance my education. With the help of need-based student aid including scholarships, grants, work-study, PLUS loans, and federal subsidized student loans, I attained a Bachelor of Science in Engineering degree from Tulane University in 1989. Without the help of the student loans I would have been just another high school graduate looking for a mediocre job.

Currently in medical school, I am still depending on student loans for my survival. This year alone I borrowed nearly $36,000 to finance my tuition, books, equipment, and personal expenses. At the end of my medical education I will owe approximately $250,000 including my loans from college and the accrual of interest on my current unsubsidized loans.

I leave you with two thoughts. The first being that the interest subsidized by the federal government will be repaid later in the form of tax dollars that I as a doctor will pay for the rest of my life compared to the tax dollars from the high school graduate with a mediocre job that I would have been if it were not for these loans. Please do not deny others the same opportunities that I had.

Second, we must remember that education is the gateway to a better life for disadvantaged youths and adults. If we do not provide help to those seeking an education, we will end up paying for it with some other type of government assistance. Do not deny an affordable education to those who need this assistance. This country would lose many great minds and achievers if that were to happen.

IDAHO

1) I'm a veterinarian who is completing a second degree (Ph.D) so that I can teach veterinary medicine and conduct research in reproductive physiology.

Vet school required taking out very large loans. Although I worked at regular and work-study jobs throughout four years of college, I graduated $26,000 in debt and very tired. I have been working 80–100 hours weekly for 4 years trying to get my PhD. I am now looking at entry-level teaching jobs that pay $25,000 yearly, and post-doctoral positions that pay even less.

I consider myself very fortunate to be able to do what I have done with my life and I would never complain about a system that allows me the freedom to do this. It's been great—but I know that paying back my loans will be a struggle for me, and for many like me. I think we should encourage education and not make financial aid more limited than it is now. I urge Congress to take responsible action to continue federal funding of student aid.

ILLINOIS

I come from an underprivileged background: I grew up on welfare in an atmosphere of drugs and severe domestic violence. I never received any incentive or support (financial or emotional) from my family to attend college. I financed my education myself, and worked very hard as a college student. I graduated from the University of California at Berkeley as the valedictorian of my department (summa cum laude with a 4.0 GPA). I decided to pursue a Ph.D. so that I could become a teacher and inspire students to improve their lives and the world around them as my college professors had inspired me.

The University of Chicago, whose tuition and living expenses total more than $30,000 per year (more than my parents' income combined), is only affordable due to assistance from the Javits Fellowship. If this fellowship is eliminated, I WILL HAVE TO QUIT GRADUATE SCHOOL!

Elimination of the Jacob Javits Fellowship will force many of the best, most talented humanities graduate students in this country out of school and prevent us from achieving our goal of improving society through education. Please, do not let this happen.

INDIANA

1) I'm writing to protest the proposed financial aid cuts for higher education.

I am a single parent who struggled from 1986 through 1990 to earn my BA in sociology, and I have a son who will be applying to college next year.

During my undergraduate career I worked 10–30 hours per week in a factory in addition to taking a full course load. I am also the sole parental role model for my two sons, now aged 21 and 16. At that point there had already been substantial cuts in federal financial aid. I am now strapped with a sizable student loan debt!

With the planned cuts, I am worried that my sons futures may be jeopardized by lack of financial aid. Please remind Congress that student aid is the key that unlocks the financial door to education.

2) As a mother of five with husband on disability/retirement income, I can only work enough hours to provide food, shoes, and haircuts. The kids are all above average students and I expect them to earn scholarships as well as handle part-time jobs, but this will not cover the total costs of college.

My oldest daughter attends Loyola U. of Chicago which costs $19,900 a year. A $4,000 a year scholarship was needed to allow her to attend. Next year our second daughter is going to Ball State . . . once again only possible because of financial aid.

Without financial aid both daughters would be working at McDonald's without much of a future in sight. Help keep my family's dreams alive.

IOWA

1) I live in Iowa City, and I grew up in rural western Illinois. My parents were poor and I did not know anything about financial aid when I graduated from high school in 1968. Because I thought I would not be able to afford college, I went to junior college for a year and then decided to get involved in the changes going on around me.

I got involved with my community and homeless people. I worked and lived with homeless people as a Catholic worker in the midwest. When I was 35 years old I decided I really needed to have an education.

I went to a junior college for a year on financial aid and worked at night as a switchboard operator. Then I went to Marycrest College in Davenport, Iowa and got a degree in Social Work. I continued to work nights at the hospital as a switchboard operator and continued to go to school. I would not have made it through school if it had not been for the financial aid I received.

2) I was born and raised on a small dairy farm in Iowa—the same quarter section farm on which my father was born and raised and still lives; the same farm which my great-grandparents purchased when they emigrated from Germany in the 1870's. As the eldest of five children, I worked alongside my parents on the farm from an early age. My parents went to work full-time when they graduated from 8th grade—my father as a farmer and my mother as a domestic worker. As most loving parents do, they wanted their children to have a better life than they had, so they were supportive of our educations. Even with all the farm work there was to be done, we still had time to study.

When I was a high school student and began to speak of attending college, my parents sadly and gently informed me that college was an impossible dream. The University was too far away (this was Iowa State University in Ames, Iowa, just 180 miles from where we lived), it was too expensive, and ''people like us'' just didn't go to college.

I was a National Merit Scholar, a member of the National Honor Society, and I graduated from high school with a 4.0 gpa.

I did win several scholarships, but without the other student aid I received—including grants, work-study, and guaranteed student loans—I would never have been able to attend even an inexpensive state university. My parents were only able to contribute less than $1,000 to my education.

I graduated with honors and distinction from Iowa State in 1985. I earned a National Science Foundation Fellowship and received a Ph.D. at the Massachusetts Institute of Technology in 1991.

Cutting financial aid for undergraduate and graduate education will make it much harder, and in some instances, impossible, for people from working class and working poor backgrounds to receive formal educations and to ''move up the socio-economic ladder'' in this society.

KANSAS

Although I was a class salutatorian, a Kansas state scholar, and a National Merit semifinalist, I could not have attended college without financial aid. I worked from twenty to forty hours a week, attended classes, and valiantly tried to participate in extracurricular activities. Without financial aid, I would not have made it. Even with some aid I struggled quite a bit: not with classwork, but with finances.

I went to the University of Kansas. I remember wishing so hard that I could audition for plays there, or play my clarinet in the band—but I had to work, and work every day. It took me five years to obtain my undergraduate degree, even though I'd started my undergraduate years as an Honors student and a Watkins-Berger scholar.

I hope that you will enhance student financial aid and not reduce it at all. I met some students from working class families at the university level, but most students came from more privileged backgrounds. Lucky people who have not known hunger sometimes do not understand what it's like to have very little in a land of plenty, and they overlook the needs that they have not known. I worry that lawmakers may choose to remain ignorant and ignore the needs of intelligent people who lack money. I think that self-supporting students deserve governmental support as they strive to create opportunities beyond birthright.

KENTUCKY

I am originally from Knox County, Kentucky. Knox county is a very poor county in the southeastern part of the state. I suppose that in most people's mind Knox County would be their vision of ''Appalachia.'' Although most of my extended family graduated from high school, no one had attended college before.

Because of my disability, I believed that if I were to succeed in fulfilling my dreams, I needed to go to college. We did not have any money to pay college tuition, books, room and board or any of the other expenses typically incurred by college students. Like most other folks in Knox County, we worried about food and housing from month to month.

Thanks to student aid programs (and the support of many people), I work every day and continue to pay back those student loans. I'm very thankful for that opportunity. Without the student aid support I would not have attended college at all. I can only speculate on my fate if I had not been able to take advantage of federal student aid programs. Because of my disability, socioeconomic status, and other social factors, I would suspect that I would still be in southeastern Kentucky dreaming my dreams—without any means to fulfill them.

MARYLAND

1) I am a 26 year old single black male who is the first in my family to come this far in education. Most of the funding for my undergraduate education came from federal financial aid. Any money saved, earned, or given from my family went to supplement the federal aid.

My funding for medical school is solely dependent upon financial aid, without which school would be an impossible goal for me. Even when financial aid is given it is usually just to cover school costs, i.e. tuition and fees, etc. So covering costs for basic needs such as food, shelter and clothing becomes a hardship. I am not selfish in thinking that I am the only one who have these difficulties in trying to better themselves. If financial aid is cut the government will be doing all of us a dis-service.

2) I'm a native of Baltimore and come from a blue-collar background (proudly, I might add); my father has been a barber for most of his life; my mother stayed at home to care for me and my brother when we were in school. I got a great deal out of my early education; I grew not only intellectually, but also as an individual. I decided to continue my education and go to college.

I was a first generation college student. I qualified for almost every form of federal student aid and after graduation I owed approximately $5,000. I went to graduate school so that I could ''give back'' to a community which gave me so much. After I received my degree I had a total of $32,000 in debt.

Now it's 1995, and I've done what I set out to do. I currently work at the Catholic University of America in Washington, DC in the Career Services Office. My salary, unfortunately, has not eased the financial burden of my debt. Consider this: I've been paying my student loans, on time, for almost 5½ years; I still owe approximately $27,000 dollars. I've paid, to date, over $18,000 in student loans on a balance of $32,000, and I still owe $27,000! There is something wrong with this! If the Republicans get their way, I'll be considered a lucky one. There's got to be a better way. Imagine what my payments would be if the interest had begun accruing on the receipt of the loans.

Many of the people in my generation are probably not going to be able to afford to send their children to college. A college education will be something for the elite few, not the majority of the people. Someone like myself, who had the desire to attend college and the obstacles to prevent that from happening, won't be able to go. If we want to remain a country of opportunity, then we must make opportunities not only available, but available to everyone.

3) I am currently a senior majoring in theater who will have $20,000 in debt when I graduate. If Stafford Loans are eliminated, or if there are any cuts in my student aid, my future education plans will be impacted. My future education plans are to work after graduation so that I can pay off my loans and then return to school for an Masters in Fine Arts. I would like to teach another generation of theater professionals.

Senator Kennedy, when you talk on Capitol Hill to other members of the Senate, please tell them that cuts in student aid will cause me to have to drop out of school because the aid, especially the loans, make it possible for me to continue my education without having to do without some of the other essentials like food.

MASSACHUSETTS

1) Two years ago I discovered that I had a tumor on my spinal cord. My life as a shipbuilder ended that day and my life as a student began again. I applied for Federal financial aid and received a Pell Grant and a $700 scholarship. In January of 1994 I started my first semester towards an Associate's Degree in Civil Engineering. I have been attending school on a fulltime basis (as my impairment allows) ever since. I have re-applied for another grant for the next fall semester. I have also applied for a grant in my son's name, who with any luck, will be my classmate next semester.

My illness has wiped out my family's savings and the income from my job. To make a long story short, it hasn't been a very productive or pleasant two years since the first operation. If it hadn't been for the Pell Grant and the scholarship I received, the devastating effects of my illness would have been compounded. Because of them my life has a new direction, and my children have a chance at furthering their education as well. To lose these benefits now would be like sentencing my kids to prison. They have suffered enough because of my misfortune. The Pell Grant and other grants and scholarships won't put them through Harvard, but they will at least afford my children the opportunities they richly deserve.

2) My mother always taught me that education was the key to advancement. She also made an example of this by returning to night school to receive her college degree as a single parent with three children. I am sure that financial aid had a significant part to play in helping her achieve her goal. My childhood was spent in subsidized housing and the food in my house was bought with food stamps. Though I never discussed money with her in my childhood, I have gleaned from later conversations with her friends that the four of us lived well below the poverty line. It is very clear to me that one of my mother's strongest motivations for pursuing her degree was to escape the welfare system, and I am positive that she could not have done that without government aid.

I, like my mother, believe that education is the key to advancement. Without the support of government aid, I would not have the opportunities to prove my theory. My mother died when I was thirteen and I have not spoken with my abusive father since I was four. Although I have legal guardians, they are not responsible for financing my own education. Since I am solely responsible for financing my own education, any deduction in grant monies or loans made available to students has far reaching repercussions for my future.

My dreams have brought me to where I am, and my hard work has kept me here. I urge you to do all that is in your power to help me and others like myself to continue to reach our goals. We are America's future, but without learning the proper tools in the present the future will be able to build will not be an improvement on today's world. Please don't stop us before we have begun. Please don't allow federal student aid to be cut.

3) It is difficult growing up when one's parents are separated, but my brother and I managed to do reasonably well despite financial limitations. We worked hard to save money for our college costs, delivering papers and mowing lawns. We worked at a beef packing plant during the summer before our junior years.

During my first year in college, I worked cleaning other students' rooms to help supplement the scholarships and minimal financial aid I received. At the beginnning of my sophomore year a majority of these scholarships disappeared, as is the nature of most grants earned in high school competitions. I began working three simultaneous jobs on campus so that I could remain in college. The only advantage of this circumstance is that I certainly learned frugality, though I think I'd learned that in my first 18 years. If there were more financial aid, I might have

been able to work only two jobs, and dedicated more time to my studies. With less financial aid, there is no way I would have been able to obtain my degree.

MICHIGAN

1) I am a law student at Syracuse University. I graduated from the University of Michigan undergraduate program. I am a 24 year old African American male. I was born and raised in Flint, Michigan (one of the worst places for a young minority to grow up). My father and sister are incarcerated, my other sister is a recovering crack addict and my mother is currently taking care of 6 grandchildren.

Over the years, I have tried to do all that I could for my family and am the first in my family to attend college. Without financial aid, this would not have been possible, and without continued financial aid I will not be able to pursue my dream of becoming an attorney. Where I am from role models carry guns, flash money, and kill over a pair of sneakers. There are many youngsters ready to fill the shoes of those ''role models.'' I want those who choose to fill my shoes to have every opportunity and help to do so. Do not cut financial aid! If anything, increase it.

2) I was a migrant farmworker in the early 1970's in Texas. I traveled to Michigan, and in 1978 was accepted to the University of Michigan, Ann Arbor. Because of the poverty of my family, I've had to work very hard for every nickel that I've ever earned. I was also motivated and inspired by my teachers to look at education as my primary goal.

I have done this. I am a successful professional working at Grand Valley State University as an advocate for other students coming up the pipeline. In all cases financial aid is the bottom line issue on which decisions are to go to college.

Today, however, government tries to make education a commodity which only the rich can attain. Even in the 1970's I had to work 25–30 hours a week to support my education and continue to contribute to my family.

I knew that financial aid was the factor that made college possible for me. With the rising costs of tuition, every student must face this issue. The cost of a college education continues to rise much more quickly than the inflation rate. Students therefore must work to supplement their loans, and often stay many more than 4 years.

The burden of the costs weigh on students long after graduation. They must pay off expensive loans for years.

Let's not make financial aid a political issue. It should not become a political tool that helps to perpetuate poverty and create a permanent underclass.

An education not only help individuals become productive citizens, but also helps maintain America's high quality of life. As financial aid becomes more difficult to access, it is more difficult for me to convince young people that education is a worthwhile investment.

MINNESOTA

I am currently a freshman at the Massachusetts Institute of Technology. It has been a dream come true to be able to attend this university. I am from a rural town in Minnesota, and no one in my high school usually goes farther than the Minnesota/North Dakota area for college. After being accepted here last year, I still thought that school at MIT was a dream that would not come true, because of the $28,000 a year price tag.

After filling out every scholarship application I could find, I received awards of $6,900 for this year, but that still left a big gap in finances. My parents make approximately $45,000 a year, and I also have two younger siblings, so my parents told me they could not help me for school other than transportation to and from school. After receiving my financial aid package, MIT assessed that my parents could pay approximately $5,000, and I could pay approximately $1,400, as well as $2,500 in work study, and $5,500 in government subsidized loans. This made MIT more affordable, but I still had to pay both my parent's and my portions of the bill. So, I worked over 65 hours a week last summer, saving every penny for school.

I made it through this year with not too many loans, but if government cuts are imposed, I may not be able to afford school here, especially if my loans are not subsidized while I am in school. I would have to take out loans to make monthly payments on other loans! Mounting tuition only adds to the problem.

I urge you and other members of Congress to keep supporting higher education to your fullest capabilities. Forcing bright students to leave good schools because of mounting costs not only cheats them out of a good education, it also cheats our country. I hope you will support America's future.

MISSOURI

Here is my student aid story. I hope it helps.

I grew up in Joplin, Missouri—the eldest of three daughters in a lower-middle-class family. Neither of my parents was a college graduate, but my mother instilled in me a love of reading, which led me to pursue a B.A. in English at the University of Missouri/Columbia. Although my parents wanted me to go to college, they could not contribute very much. My first semester at U.M.C., on December 4th, my father committed suicide. I was devastated by his sudden death and considered dropping out of college. However, with the encouragement of many professors who felt that I had potential, I made it through college with government grants and loans—as well as countless part-time jobs—as a waitress, a maid, a cook, a technical writer, and a tutor. I graduated from college in three and a half years, and then earned an M.A. and a Ph.D. in English. Now I teach technical writing and literature at Kansas State University. I've paid back all of my loans.

In short, financial aid eventually allowed me to be self-sufficient, which in turn assured that my youngest sister could attend college ''without'' financial aid. Nobody wants to depend of government aid if funds are available elsewhere. Perhaps your children haven't needed it because your college educations ensured that you earned adequate salaries. But for those children whose parents haven't had the advantages of a college education, government aid is often essential.

MONTANA

I am the director of Student Financial Aid at the College of the Great Falls in Great Falls, Montana. I am a graduate of Rice University in Houston, Texas. And to be frank, my degree would not have been possible without the benefit of Federal Title IV Aid. More important, in the course of my undergraduate career I borrowed—and REPAID—$2750 in Federal National Direct Student Loan monies, and $5000 in Stafford Loans. In addition, I received Federal Pell Grants in each of the seven semesters that it took me to earn my B.A.

Beyond these resources I worked forty to fifty hours a week year-round to pay the remaining expenses of my college education because my parents could not afford to send me and my sisters to school at the same time.

Do I appreciate what I have received? Emphatically, yes! I know where my help came from. In return I have given the last ten years of my life to students working as a student financial aid administrator to assist others achieve their educational dreams, as you helped me from 1980 to 1984.

I believe in this system: the federal, state, and institutional financial aid delivery system. I believe that educating this generation of Americans is the key to success of this nation in the next * * *.

NEW HAMPSHIRE

I am a sophomore at Dartmouth College and am extremely concerned about the Republican's proposed cuts to financial aid. Although Dartmouth is known for its wealthy student body, about sixty percent of its students are on financial aid, and couldn't possibly do without it. I belong to this majority of students who are in need of financial aid. Not only has financial aid allowed me to get an education that challenges and fosters my intellectual growth and curiosity, but it has allowed me to go to college. Without aid, I simply wouldn't even be able to go to any college.

I graduated from a high school that boasted of many graduates who have gone on to higher education. A friend and I both graduated fifth in our class. Her family is quite wealthy, so a Harvard tuition was a feasible investment. My family, on the other hand, could not even afford a state school education for me. Financial aid and federal loans make up all of my tuition.

When I was in high school, college was a viable dream. I knew that if I could demonstrate my intellectual capacity and potential, I would be able to continue my education from financial aid. If I had known that financial aid would be reduced and that I couldn't afford to go to college no matter how intelligent I proved to be, I wouldn't have been inspired to do as well. Are America's brightest students destined to receive only a high school education and work only menial jobs for the rest of their lives simply because they can't afford higher education?

NEW JERSEY

1) I am a Junior at Princeton University. I am from Chicago and I attended a public high school located in the heart of the city.

My family has always taught me to work my hardest, regardless of the odds. I take great pride in saying that my family is very close. When it came time to apply to colleges, I wasn't even thinking of Princeton. My father then said to me, ''you know, maybe you should start shooting for better schools.'' I thought I might as well give it a try. I applied and was accepted. It was the biggest thrill of my life. I had been recognized as someone who had worked hard enough to attend one of the best schools in the world.

The only way I could afford to attend Princeton is through financial aid, which makes up more than half of my tuition. Every day that I walk down the sidewalk to classes, I take a moment to appreciate my life. I realize that few are given this opportunity.

Reducing financial aid is the biggest mistake that Congress could make. I strongly support and trust our federal government, but reductions in federal aid would be a great injustice to that trust. Please find another place to make federal cuts because the federal financial aid program, and the student it serves, cannot afford it.

(2) I am an assistant professor of English at Princeton University and I am writing to express my dismay at the possibility that federal funding of student aid at both the graduate and undergraduate levels might be cut. I am the recipient of such aid—through student loans—at Howard University (where I earned my B.A.) and later at Stanford University (where I earned my Ph.D in English Literature). Without those loans, I could

not possibly have earned my degrees, and would not now be one of the very few African-American female academics employed by an Ivy League institution.

I am one of eight children born to an African Methodist Episcopal minister and his wife. I was raised in western Pennsylvania in a small coal mining and steel mill region outside of Pittsburgh. While my father's salary was small, and my mother did housework for pay, all of my parents' children finished high school and four of the eight finished college. All of them did so with the help of some form of federally funded student aid: three of the four who finished college did so on the GI bill; I am the only nonveteran and the only one to have earned a Ph.D.

The way to that Ph.D was neither continuous nor smooth. I have worked and attended school at the same time since I was in the 10th grade—I held clerical jobs at my high school during the school year (part-time), and worked in various local firms during the summers. But while I was accustomed to having to work and go to school at the same time, I found myself in great difficulty once I started undergraduate school. I worked 32 hours a week to pay for my education and dropped out of undergraduate school in the middle of my second year because I could not continue working the long hours and keeping my grade point average up at the same time. During the next eight years I worked various jobs in Washington, D.C.: I was a waitress, a line worker at the Government Printing Office, a bookstore clerk at the Smithsonian Museum of History Book store, a receptionist, secretary, and word processor at various research firms, and a night shift work processor at various law firms in Washington, D.C.

I could have continued doing clerical work, but I really wanted to finish my college education. To that end, I enrolled at Howard University and finished my undergraduate degree in June of 1979 because, and only because, I was able to borrow a subsidized undergraduate student loan that helped me pay for my tuition and fees at Howard. I worked 40 hours a week and took care of my child because while the loan helped me with my college costs, I still had to pay rent, buy groceries, pay for child care; in short, I had to work to sustain life for my child and myself, therefore, the loans were absolutely necessary in order for me to pay for and finish my college education.

During my first year of graduate school while at Howard University, I applied to Stanford University's graduate program in English and was accepted. I received a graduate fellowship from Stanford which paid my tuition and fees, but which only supplied enough of a monthly stipend for a single person to live on very frugally: The living amount (beginning in September of 1980) was approximately $5,000 per year. While I could have half-starved my way through graduate school as many of my friends did, I could not take care of my child on that money. Once again the federal student loan program came to my rescue. I borrowed from the student loan program for six of the seven years I was in graduate school. My seventh year I won a national doctoral fellowship at Williams College and finished my dissertation there before successfully going into the job market.

When I finished my Ph.D. in August of 1987, I was considerably in debt. However, I was also immediately employed by the University of Texas at Austin where I taught three years. I have been employed by Princeton since September of 1990. And I have, without pause, continued to pay my student loans. I continue to pay them even as I write this. They were the best investment that I could have made in my future; and they represent an investment in me that my country made. Now, I am a gainfully employed, tax-paying citizen in a higher tax bracket, and my son has just completed his first year of college at the University of Maryland. I guess you (or anyone else) could say that I'm a federal student loan success story; but more than that, I am paying back interest that will help to underwrite other such successes.

Please do not allow this program to be cut. I could not have gone through school without that aid. And if we care about ensuring that inherited wealth—or even simply inherited middle class standing—are not the only roads to success, then federal funding of student aid is one of the very few ways, that ambitious and hard-working citizens, not fortunate enough to have been born in wealthy families, can make themselves part of the productive forces of this country.

3) I am writing to stress my opposition to cuts made in federal funding of student aid. I am very concerned for the future of this country, and the direction it is heading. Reducing funding for student is potentially dangerous for the future of this country, for individuals self-esteem and image, and the cycle continues.

I returned to school as a single mother, in Flint, Michigan—and without the aid of the government I would never have gotten an education, never graduated at the very top of my class-and asked to deliver the commencement address at University of Michigan last year and I would not be in graduate school right now, at Rutgers University.

As a former welfare mother, a woman who has no family support, as a committed citizen I would never have realized my potential and never discovered the importance of giving back to society if society had not first invested in me. The struggle has been long, tedious, discouraging enough given the political opinions about both welfare and single mothers. With cuts in student aid, my life as I know it, and the future possibilities for my son as I now foresee it, would be non-existent. I urge you to do everything possible to stop the cuts. In fact, I would encourage increased funding in student aid. It has made all the difference in the world for me.

NEW YORK

1) I am recent college graduate. My student loans have left me with an $18,000 debt.

Please tell the Senate that cuts in student aid will change the face of education as we know it. Very few families can afford tuition. I come from a middle class family. Because my parents' salaries were deemed higher than the typically financially disadvantaged family, I was not given much financial aid from any school. High tuition forced my parents to take out loans for themselves in addition to my loans. They also dipped into their retirement accounts. No family can afford to take out $18,000-$25,000 out of their yearly income. Without help of student loans, higher education in quality institutions would be a pipe dream for many families.

2) Thank you for your continued opposition to the Republicans' efforts to cut funding for student aid. This policy, which sacrifices long-term investment in human capital for a short-term and limited savings, is extremely misguided. Student aid provides upward social mobility for working class, poor, and immigrant people. It's not welfare, it's not a giveaway, it's an investment. But instead of giving you statistics, let me relate how the combination of student aid and guaranteed loans has helped me.

In 1981, I was 28 years old and was alternately collecting unemployment or working a dead-end job in a copy shop for $4.25 an hour. I got tired of trying to make ends meet so I decided to return to school and applied for admission to Baruch College, the business college of the City University of New York (CUNY), to study about computer information systems. I didn't know much about student aid resources at that time, and CUNY was just barely affordable. Because of my income status, I was able to receive a deep discount on my tuition (although at that time CUNY's tuition was less than $500 per semester) through Pell Grants. I was also able to make ends meet through a combination of National Defense Student Loans (which I have since paid back in full) and New York State Guaranteed Student Loans (which I will have paid back in one more year, at 9% interest, so it is not a giveaway!)

I was able to continue from Baruch's bachelor's in business administration program to its masters program, and in 1985 I graduated with a Master of Science in Computer Information Systems Degree. I most likely could not have finished these studies without the support of the government student aid programs.

I have since earned my Ph.D in Computer Science (which I was able to pay for without government student aid) and am now teaching full time at Baruch College as an assistant professor.

The point of my story is that the government's student aid programs provided me with the opportunity to change from a marginal member of society to a very productive one. I now can pay my own way in society, and contribute quite a sizeable portion of my income to society paying taxes and making charitable donations. Reliable and realistic student aid programs made this possible for me and millions like me. And in case anyone asks, I am a second-generation Irish Catholic whose father was a blue-collar worker in warehouses all his life. I do not fit the stereotype that people use to demonize recipients of student aid.

Please continue to remind your Senate colleagues, especially those from New York, that it would be extremely short sighted for the federal government to eviscerate the student aid programs. In the long run, the lost tax revenues, greater burdens on social supports, and the less trained and less competitive work force will cost the country much more than the cost of the programs. And in my case, the proposed capital gains tax cuts (which will be funded at the expense of realistic student aid programs) will not foster my investment in the economy nearly as much as did the student aid programs available to me. Those programs enabled me to earn enough money to be able to invest in the economy in the first place.

Please remind your colleagues that education is an investment, NOT a welfare program! Thanks for sticking up for the students.

3) I am a first year student at New York University. It is one of the largest and also one of the most expensive private schools in America. But, unlike the Ivy League schools with comparable tuitions, there is not an enormous endowment for scholarships. I knew that money would be a problem because my parents are divorced and my mother owns a small business which does not make much money.

I am a straight A student with an SAT score of 1490, so I felt sure that I would qualify for all of the extra money that is supposedly out there somewhere. So, I started applying for outside scholarships from private corporations and philanthropists. I applied for well over five hundred scholarships, and I was not rejected for any of them. But, I also did not get money for any of them. What I got instead was five hundred post

cards informing me that none of the corporations or other private sources give scholarships any longer. It seems that because of the tough economy, private companies do not have any money to spare anymore, or perhaps education is just not considered to be a priority in this country anymore.

There is such a large difference between my family's income and the cost of attending college that I knew that I would not be able to go to NYU without some sort of financial aid. Luckily, I qualified for a federal Stafford loan. Without this loan, I honestly would not have been able to go to college. I think that it is absolutely ludicrous that our government would even consider cutting financial aid. Education is so important, and I think that something is seriously wrong with a government that does not use its resources to help people who cannot afford to go to school. There are so many people my age who have the drive, the intelligence, and the determination to make wonderful students, and it is not fair that those of us who come from poor or middle income families are not allowed access to the same education as the wealthy.

Today, you hear so much about equal opportunity, but at the same time, there is such enormous injustice in the educational system of this country. I cannot believe that anyone would ever consider cutting student aid programs. I know that the government has a very tough job in balancing the budget now that we are so far in debt, but sacrificing the future of this country is not the answer. Because we really are the future of this country, I hate to think what will happen if we all come of age without an education.

There is a great misconception that there are lots of private scholarships out there to be claimed. And we are not willing to ''find a cheaper school'' as I was told on many occasions. I refuse to settle for a mediocre education while students with the same or even lower grades and definitely a lower level of determination get the best education in the country simply because they come from a family that has more money. We, as the future of this country, demand equal opportunities. We demand an end to the tyranny of the rich. We demand an education. Once upon a time the government did not think that that request was such a frivolous one. It would be tragic to think that they have changed their minds. Please tell the government that this investment is the most important one that it could possibly make.

NORTH CAROLINA

I thought that Congress would be interested in stories about how student aid has changed lives. I have a story for you, and I'll try to keep it brief. I need to go to bed, because I have to work in the morning.

I used to be a welfare mom. My ex-husband used to slap the kids around, drunk or sober, and I decided that my kids and I couldn't afford to live that way any more. My two sons were becoming violent, and I didn't want my two daughters growing up as victims, so I left him.

It made him pretty angry when we walked out, so he refused to pay child support. It's obvious that four children cannot be supported on minimum wage, so I decided to use welfare and student aid and go to college.

I went to a community college for two years, and then was accepted at the University of North Carolina School of Journalism and Mass Communications. I have one class left to take before graduating in August.

What a difference education has made for me! There is no way I could have gone to Carolina without every penny of scholarship money, loans, and Pell grants I could muster. It would have been out of the question. I'd be stuck on welfare, or poorer working without it. My college career has meant more to me than I can possibly relate in a letter, and I've had some of the best professors our educational system has to offer, and learned much more than the skills I can use every day on my job. I'm not on welfare any more, but write for a weekly newspaper. It's a start, and I believe that one day I'll move on to something that pays more, and will enable me to pay more taxes!

My college education has changed my life, and the lives of my children. I think they understand the value of education now, and will be proud when their mama actually graduates. I know they're glad we're not on welfare anymore.

If I had more time, money, and childcare, I'd come and speak on the Senate floor.

2) The idea of reducing the amount of federal monies for students scares the hell out of me. You see I am a first-generation college student. I'm getting ready to start my senior year of college, and plan to go on to graduate school. My family only supports me in that they fall into one of the brackets which qualify for federal aid. My mom only went to high school and my dad didn't even finish junior high.

My Mom, who was a single parent with two kids for a long time, imbued me with a sense of personal responsibility. I have worked since I was 13 and am paying all my own bills in school. Because of federal aid I was able to attend a small liberal arts school where I have flourished and become, in my humble opinion, an educated and socially conscious member of society.

I'm involved in community service activities through a scholarship I receive that allows me to spend approximately ten hours per week during the academic year doing service. I have worked with underprivileged kids and built homes in inner-city Pittsburgh. I've coordinated the first-ever student-initiated service learning conference for college folks on HIV/AIDS issues.

Mr. Kennedy, you and your colleagues in the Senate give me hope that this country can cure its social ills. I want to help you do that, but I can't unless I receive a quality education that prepares me for the rough future ahead. I plan on getting a master's degree in either social work or community planning.

Thank you very much for listening to me, and godspeed.

OKLAHOMA

I'm writing to plead that Congress pass no legislation that would reduce or eliminate student financial aid. Although I'm no longer a student, I would never have made it past my first year of college without financial aid.

I returned to school after serving six years on active duty in the Army. Now, you may think that the Army provides substantial financial assistance for school but that's not truly the case. The only assistance the Veteran's Educational Assistance Program, which provided a mere $180 per month. This is not enough to pay rent, let alone buy food, pay bills and pay tuition and textbooks for college. I left the military because I wanted an education but was suffering because of this desire to improve myself.

To try to make ends meet, I entered the Army Reserves and worked part time. This still didn't meet my expenses. During my first year in college my car was repossessed, my phone, gas, water, and electricity disconnected (I was studying by the light of a little oil lamp) and I was sued as a result of my inability to pay my bills. I had resorted to selling my blood plasma twice a week in order to gain the money to keep myself fed. I tried to obtain assistance through welfare programs, such as the Low Income Energy Assistance Program, but was informed that, in spite of being poor enough to qualify, I was ineligible because I was a student.

Finally, Financial Aid realized that I wasn't making sufficient money to be able to go to school and survive at the same time. I was awarded loans, federal grants and student work-study. Using this financial assistance, I was able to complete my BS degree and continued on to obtain my Ph.D. Without this assistance, I would never have been able to make it past the first semester of college.

Please do whatever it takes to discourage the Congress from limiting financial aid to students. A good education is not something that should be restricted to the economic elite.

PENNSYLVANIA

1) All of us in academia are shocked at the intended proposals to cut money for higher education and the arts. A skeptic might consider this the natural reaction of just another special interest group out for its own gain. I assure you this is not the case. There are very few true academics left in this country today. Already the funding is scarce, and many qualified applicants never get to pursue the education they desire—the education they are willing to sacrifice to acquire. No one enters academia or arts for the money. We do it because we feel driven to it, because we see something valuable in it that is worth pursuing and preserving. The sacrifices far outweigh even the social prestige that a lucky few acquire. Therefore, we are not asking a lot. We do not require the billions that go toward building high-tech airplanes and such, just a little money so that the dedicated few can preserve what are our most treasured possessions: our knowledge, our wisdom, and our culture.

When I think about how much money is spent on the average garbage TV show or movie in comparison to the ballet, the symphony, or the study of advanced subjects, I feel like crying, but all I can do is laugh because it is so ridiculous. As a result, our children's heads are filled with garbage an violence. They have no idea of even their own cultural and intellectual treasures, let alone those of their ancestors. Without a few generations, we stand to lose so much just for the sake of a few dollars. But I cannot think of any money better spent. We here at the University of Pennsylvania work six or seven days a week year round, often way into the night. Do you know how much I earn on my present Foreign Language Area Studies scholarship? $800 per month. People on welfare make more than I do. Even people working at fast food chains make more than that, and they get nights and weekends off. But you know what? I do not regret it at all. I feel so privileged to be part of such a great institution. I love my work and I love my life. I do not mind being poor because my knowledge makes me rich.

Moreover, when I graduate with my Ph.D. in Indian languages, I will have the joy of sharing that knowledge with countless students over the years. This is my life's goal, my life's work. All I want is that people like me be allowed to make those sacrifices which will enrich us all as Americans, and contribute to a better society.

2) I am a sophomore at the University of Pennsylvania here in Philadelphia. I know that I could write forever about the merits of student aid on a national scale, but I feel that I should get right to the point by showing what cuts in student aid would do to my family, my education, and my future.

I was born in a poor section of Cleveland, Ohio, where I still reside. I am the second person and the first man from either side of my family to have the opportunity to go to

college. I am here because of several reasons, not the least of which is the generous financial assistance that I have received from the University, student loans, federal assistance, and private scholarships. If it were not for this type of financial help, I could not think of attending any college, much less one of the caliber of the University of Pennsylvania. Also, my mother, a graduate of Case Western Reserve University in Cleveland, has courageously decided to return to college to pursue her doctorate in Anthropology. She is currently in her first year of study at the University of Florida where she has justifiably earned a full scholarship with a small stipend. The catch in my mother's situation: she is not allowed to hold a job as a condition of her scholarship.

This means that she, with the stipend as her only source of income, cannot contribute to my education in any way. My father, who recently has found new employment, is left, along with me, to pay a significant amount of money to the University which we can barely afford now. We have trouble paying the bills as it is; it would be even more difficult (and perhaps impossible) to do it if student aid is cut.

I can barely afford school. As a young Black man growing up in an urban environment, I have faced the dangers that the streets present to us. I have seen a man die. I have buried my murdered cousin. I have been harassed and nearly beaten by police. However, when I see my young cousin who at 10 has proven to be an excellent student and a budding young botanist, I see the potential that is in so many young children that are in the urban neighborhoods of these United States.

If you truly care about the training of the future leaders of this nation, then I would urge you to remember my words. Remember them as the vote on this issue comes up. Think about the children—your children—your constituents who elected you—and what you are in Washington to do. Listen to your conscience.

3) I'm not sure if I'm addressing you properly, but I wanted to open a line of communication I was interested to hear that there is a possibility that student aid program funding may be cut. I'm a twenty-five year old ''non-traditional'' student at Temple University in Philadelphia. The federal and state aid make it possible for me to maintain my status as a full-time student. I have a learning disability that requires special arrangements for both testing, and note taking. This unfortunately makes employment concurrent to schoolwork next to impossible. I have managed to volunteer a few hours of my time, when I'm able, to our Disability Resources and Services center on our campus. In addition, I've been hired by the University as a Residential Assistant in our resident halls for next year. My total income for next year, should provide me with only 33% of the money needed to attend school full-time. Because my disability was not recognized sooner than two years ago, a ''traditional'' college education was not possible upon graduation.

I appeal to you as a student who is trying to serve himself and his fellow students, to please consider the impact and burden that further limitations in student aid would cause to those in my position. Please don't take away the future for me.

Thank you for your time, and I trust that you will make a decision that serves those of us that rely on aid to provide a future.

TENNESSEE

1) Though I am a Republican, this is one issue about which the party and I disagree. I will be a sophomore at Boston College next fall, and my attendance is contingent upon the amount of financial aid my family receives. It has always been my dream to go to school in Boston, and so far I have been able to live out that dream; however, if I were to lose any federal aid, I would be forced to drop out of BC. My financial aid package includes everything from work study to grants and scholarships, and Stafford and Perkins loans, each at the maximum amount. I beg all of the members of the Senate to make budget cuts elsewhere. Do not take away my dream.

Don't ruin our country's future by denying financially challenged students the opportunity to learn the priceless lessons that college and graduate school can teach us. American society requires a college degree, if not a post-graduate degree. How is my generation supposed to enter the competitive job market without such degrees? If the Senate cuts federal student aid, you might as well make increases in unemployment and welfare benefits. There are too many qualified students who would be forced into poverty if they could not rely on federal student aid. Please do not do this to me, my family, my friends, my generation, and our country.

2) Federal and private financial aid have paid for the majority of my college education. I come from a very low-income (less than $3,000 per year) family in upper eastern Tennessee. We have a somewhat colloquial lifestyle—I spent years without running water and electricity (and I'm only 22 now!). We are basically a farming family. I am the first person in my family to graduate college and I would not have been able to accomplish this without aid. Contrary to popular belief, poor people do not ''live off the dole'' constantly, nor are we completely unable to ''make a contribution to society.'' Yet, because the military is running out of places from which to steal money, my government is threatening to take these opportunities away from me.

Had these budget cuts been implemented during my first years in college, I would not have been able to afford to come here. My life would be very different. I would probably have been forced to find work in a factory. I urge Congress to think of the human aspect of student aid and to realize what repercussions your decisions might have.

TEXAS

1) I am a first year student at Princeton University. I attended high school in a small town just outside of Austin, Texas. My high school was not known for sending students to Ivy League schools. In fact, it struggles to send students to college at all. The drop-out rate is about 60% and the school district is one of the poorest in the state. My acceptance to Princeton was a great shock to all of my peers. I overwhelmed them that they could know someone who was attending Princeton or at least about to. To my peers, Princeton was this rich, white conservative school that only the Vanderbilts and the Kennedys of our nation attend. Never in the minds of my peers would such a school allow a poor Mexican girl from Del Valle to attend it.

Of course, I could not have attended without the help of financial aid. My father is in prison right now and my mother is recovering from a heroin addiction. During my senior year of high school (about a week after I found out about my acceptance to Princeton), my mother abandoned my younger sister and me for her drugs. My aunt gladly took us in, but being on welfare she was hardly capable of feeding two extra mouths. Money was tight while I was there but we always managed. There was no way we could have managed to pay $28,000 a year just to make my life dream possible.

If I do not continue to receive financial aid, my career here at Princeton will be short-lived and my struggle and those of other like myself will have been in vain.

2) I am a 41 year old Hispanic male, father of 4 and preparing to take my comprehensive exams for my doctorate in January, 1996. We were field workers in Michigan and I recall asking my father why we had to work in the fields and he would tell me it was because he did not have any education. I was in the 7th grade when I told my father as we were picking cherries that I was going to get a doctorate and thus I would never have to pick in the fields. My dad encouraged me to do it. At the time, I had no idea what a doctorate was but I had looked it up in the dictionary and read that a doctorate was the highest degree obtainable. I graduated high school and went on to Central Michigan University but dropped out to take care of my mother and eight brothers and sisters after my father dies in a car accident.

After working hard and not making any economical gains, I told my wife in the summer of 1987 that I was going to go back to college to get a Ph.D. At the time, I had two children, my wife worked at home due to the high cost of day care. I could barely make ends meet with my three jobs working as a pizza delivery driver, a bus driver, and a custodian. I knew that I could not afford to go to school but thank God for people like you that helped to provide financial aid that my family needed in order for me to attend school.

While attending school, I did not quit my three jobs because I still could not afford to and I needed the health insurance that the custodian position provided. I kept telling my wife how great it was going to be when I finished my education but inside I had doubts that I would be able to complete my education due to financial reasons.

However, I had overlooked one thing. As I received more education, I was able to take higher paying jobs. In 1989, I took a position at the University of North Texas Financial Aid Office. The position did not pay that much so I continued delivering pizzas on the weekends. Often I would work 34 hours from Friday to Sunday. In time, my position at the Financial Aid Office was upgraded and I was able to quit the pizza delivery job. I received my undergraduate degree in 1990 from the University of North Texas, my Master's degree in 1991, and began my doctoral work. I was recruited for a position from another department of the university. I left the financial aid office, and took the position of Research Scientist. Later, I was again recruited, this time for Assistant Dean of Students. But, when I told my supervisors of the position, they gave me another offer which is my current position as Assistant to the Dean at the School of Community Service at the University of North Texas. I am also teaching two classes in Race and Ethnic Relations per academic year at UNT. All of this has been made possible because of financial aid.

3) I am a graduating medical students at Baylor College of Medicine in Houston, Texas. Many people here are very nervous now that we hear that loan subsidies may be cut. As a student who received subsidized Stafford and Perkins loans while here in medical school, I wanted to voice my opinion that these subsidies are not only of great benefit, but an integral part of allowing us to become the physicians this country needs.

Let me state that as an undergraduate, I did not receive any federal aid because my parents had planned for my college educational needs. They saved enough to pay for four years of college which has helped me immensely. However, my parents, who I consider to be of a middle class background, did not have the finances to pay for medical school. Student loans were my means to stay in school.

People have argued that students frivolously spend this money, but I assure you that our financial aid department had a yearly budget that helped us meet our needs and we could not obtain loans beyond the monetary amount in their budget. In fact, there were crucial times in our lives that were never covered in the Baylor budget such as fees for taking the medical licensure exams, parking fees for the medical center, and residency application and interview costs.

I still had to borrow $70,000 over my four years to make ends meet. If I did not have federal loans, my bill would have increased by as much as 30%. I am astounded that Congress would consider cutting student loans. I know our country is looking for ways to increase the physician numbers in underserved areas and increase the number of generalist physicians. Yet, Congress would consider cutting college loans that help us to contain our debt load and pursue careers in areas that we love but do not pay as well. Please understand that government loans have not only allowed me to become a physician, they have allowed me to pursue my career goals to be a primary care pediatrician serving a hometown community that needs me. I hope that you are willing to allow the students that follow behind me to have the same opportunities to serve the medical community, their families, and the patients that need them.

4) I am a single parent trying to get my Bachelor's Degree at the University of Texas at Arlington. I have been in school for 7 years working full-time and going to school part-time. Each year I see tuition go up, fees go up, book costs skyrocket, and less money to go to school on.

The reason I depend on federal financial aid is to get out of poverty. At the present time, my salary is $1.00 higher than the cutoff for food stamps and any public assistance. I do not receive my child support because I cannot locate my ex-husband. I want to make a better life for my daughter and myself. My education is the answer to bettering my life. When you cut funding, you guarantee that I will not get an education.

Even though I am a Republican and have been for more than 20 years, I might just vote Democrat the next time around.

VERMONT

I attend an elite liberal arts college in Vermont, a long way from my home in Tennessee. I was raised by a single mother, who is also attending college. My financial aid award from Middlebury totaled more dollars than her salary. Still, I am walking a thin line. Without the same level of financial aid from Middlebury next year, I will not be able to return. I am not the only person in this situation. The government loan and grant programs are absolutely essential for me to continue my education here. Government loans would also be necessary for me to attend the state universities in Tennessee, and the prospect of cuts in student aid concern me very much. The GOP has become the party of greed. Please don't allow these cuts to take place.

WASHINGTON

1) Normally, I support the Republican viewpoint, but I must oppose cuts to student aid. This country appears to be sliding from the forefront of science and technology, and the only way to keep our status as world leaders in the sciences is to educate our citizens. The cost of higher education has skyrocketed. At my alma mater, Central Washington University, tuition has doubled over the past ten years. The cost of textbooks and housing has similarly risen.

I would not have been able to attend college—I received my B.S., M.S. and am now working on my Ph.D.—without financial assistance. I do not view this as a handout—most of my aid is in the form of loans that I am currently paying back. I believe that making cuts in student aid will just hurt this country in great ways.

2) I am a Junior at Western Washington University in Washington State. My ultimate goal is to go into medicine, something I have aspired to since my Freshman year of high school. I went to a small high school and received little help by the way of scholarships when I left, even though I was Senior class president and ranked 4th in my class. The money was just not there. I did not worry because I knew I could still go to school with the help of financial aid.

If it had not been for work-study programs, loans, and grants, I would not be pursuing this goal today. And now you say that this aid may be cut. Do you intend to revert back to the time when only an elite few got an education and the rest of the country worked for peanuts? What are you thinking?

Why is education becoming such a challenge to receive? This is scary to me, so scary because my life-line right now, my reason for living, is the fact that I am going to school. I am learning so much and growing so much, that I can hardly believe how narrow-minded I used to be.

My parents' contribution to my education has been zero. We are already in that bracket which states that we make too much money to receive very much aid. Their paychecks will never allow for a $10,000 which would be the effect on my aid. How can I make you understand that this is completely out of the question? You are taking from me my right to pursue happiness, which I may need to remind you is a Constitutional right. If I cannot go to school (and without aid, I cannot go to school), I will have lost the one aspect of my life that I value the most. And I know that I am not alone. For my one story there are thousands more like it. The livelihood of this country depends on its youth and that youth's ability to get educated. If you take that away from us, you will be responsible for the destruction, demise, and collapse of this country.

3) When I approached my father about going to college about ten years ago, he said, ''Sure, great idea, but don't expect me to pay for it.'' Based on that statement, I knew I was on my own; I decided to do my best in school and try to get into West Point, or another service academy. I decided that I wanted to go to college and that I was going to get there somehow.

As a female, I knew that was a long shot. In the early 80's, when I was in high school, the first female cadets were just graduating from West Point. I applied and over the course of a year I finally got word from my Congressman that he had nominated me to attend the U.S. Military Academy at West Point, over almost 500 other candidates, a number of whom were my classmates and friends. Due to a knee injury and surgery, and the subsequent effect on my grades, West Point did not accept me, though that nomination is still one of the most important accomplishments of my life.

One of the routes to college had now closed and I had to take another look at how badly I wanted to get a degree. I worked for a few years and decided that if I really wanted to go where I wanted and do what I wanted to do, I had to go back to school. My mother (a college graduate with two degrees who returned to school in her late thirties and graduated thanks to government student loans), was, at that time working at the University of Alaska in Fairbanks and made me an offer I could not refuse. She said that I could move up to Alaska with her and she would take care of the roof over my head if I attended school full-time. The offer was great, but once again I faced the dilemma of where to get the money to pay for my tuition and book fees. I took my mom up on her offer based solely on the reassuring words of the financial aid counselor that government student loans were available.

I did go to Alaska and in the four years I was there, graduated with a degree in history and a minor in Japanese. I was the first person on my father's side of the family ever to graduate from college. I have been paying my loans back for two years now and every payment has been on time. I owe a great deal to the government's student loan program, and it goes way beyond money.

How can one base such a program on dollars alone? My mom was a welfare mom for awhile after my parents divorced in the late 1970's. But, her desire to go further, get an education, and the assistance of student loans got her off welfare and helped her to earn her degrees and make a great living. She set a great example for me in terms of how far an education can take you, and I am proud to say this is one government-supported program I am proud to be a second generation recipient.

WISCONSIN

1) Prior to enrolling in undergraduate school I was a high school drop-out and lived on the Bad River Indian Reservation in Odanah, Wisconsin. I lived off of the USDA food distribution program and relief monies. In addition to being just another impoverished Native-American Indian, I am deaf. During my undergraduate studies I was fortunate enough to have received grants from the Bureau of Indian Affairs, a Wisconsin Deaf grant, a vocational rehabilitation grant, and a Pell grant for each year that I attended Northland College.

After receiving my BS I found that I was over $10,000 in debt from student loans that I needed in spite of my many grants. Most of my graduating class weren't so lucky. Many of them had debts in excess of $50,000, making repayment a doubtful proposition without first earning a more advanced degree and further accumulation of debts. I can not over-emphasize that without the Pell program and the student loan program, I would not have been able to be where I am today. Nor would I be going in the direction that I am.

Being Indian and deaf in Ashland County, Wisconsin, spells long term poverty. Because I've gone to school and earned fellowships, I have not had to seek relief monies or participate in USDA commodity food distribution programs. I feel that it is important to ask what is the rate of return on education dollars. My own experience is one where no more relief monies are required by me. When I consider the situations of other students I know, I find the Republicans' proposed cuts amazing.

2) I understand that we need to balance the budget, yet if we don't educate the people how can we compete in the world and pay off the debt when the next generation won't have good paying jobs so we can put money back into the system. I'm very proud of my parents, and my parents are very proud of me. Everytime I go back to school my Mom says, ''I'm very proud of you. You have chances I only dreamed of.'' To have my mother say that makes me realize how far I could go. I don't want the one dream I have, of going places my mother only dreamed of going, be cut short because of money. That hurts me deeply and I only hope that you see it my way. During the summer I work at least 18 hours a day and my body aches at night. I work every chance I get and still financial aid is like a life preserver which keeps me afloat. If financial aid is cut, my dreams may drown.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, the skyrocketing Federal debt, which long ago soared into the stratosphere, is sort of like the weather—everybody talks about it but scarcely anybody had done much about it until immediately after the elections last November.

But then the new 104th Congress convened in January. The U.S. House of Representatives made haste to approve a balanced budget amendment to the U.S. Constitution. Later in the Senate all but one of the 54 Republicans supported the balanced budget amendment; only 13 Democrats supported it. Since a two-thirds vote—67 Senators—is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote.—There will be another vote later this year or next year.

Mr. President, as of the close of business Thursday, August 3, the Federal debt—down to the penny—stood at exactly $4,944,455,888,709.39 or $18,769.23 for every man, woman, and child on a per capita basis.

LANE KIRKLAND: A MODEL FOR AMERICANS

Mr. HOLLINGS. Mr. President, I rise today to remember and thank Lane Kirkland, a South Carolina favorite son who fought for American workers and jobs as one of the Nation's key labor leaders.

After more than 50 years of union service, including the last 16 years as president of the AFL–CIO, Lane Kirkland retired Tuesday.

Tomorrow's generation can learn much from Lane. Instead of today's pop morality tuned to getting a soundbite on the nightly news, Lane has lived a life dedicated to the principle that working people should work together to improve their lot in life, to fight for justice, to strive for dignity and to help all.

Lane Kirkland's accomplishments as head of the AFL–CIO should serve as a model for public service.

He was one of the Nation's first leaders to recognize the financial devastation that Reaganomics would wreak on our economy when he described Reagan's economic plans as a ''high-risk gamble with the lives of working people.''

And when the embattled Solidarity trade union faced an uphill battle in Poland, Lane Kirkland recognized what was at stake and provided a lifeline that kept Solidarity alive. In fact, Lane's lifelong fight to promote democracy led to the fall of the Berlin Wall.

No one could put it better than editorialists who wrote in Wednesday's Detroit News:

> When the trade union Solidarity bravely emerged in the early 1980's to fight the Polish communist regime, Mr. Kirkland and other labor officials smuggled money, printing presses and even electronic equipment to keep the fledgling anti-communist movement alive. . . . When it came to confronting the greatest security threat this country has ever faced, Mr. Kirkland did not flinch. He fought communism and supported fledgling democratic movements that contributed to the demise of many totalitarian regimes. For that effort, he deserves everyone's appreciation.

Mr. President, Lane Kirkland was born and grew up in Camden, S.C. In 1942—the same year I graduated from the Citadel—he graduated from the U.S. Merchant Marine Academy. In World War II, he served as a deck officer on a merchant marine vessel that carried ammunition. After he graduated from the Georgetown University School of Foreign Service in 1948, he joined the AFL research staff. And in 1979, after moving up the ranks, he became president of the AFL-CIO.

Mr. President, Lane Kirkland's career is a striking parallel to America in this, the American century. He fought overseas to preserve our freedom. He won. He fought at home to make the American dream available to all of us. And he won. Finally, he fought to end the cold war and give others the access to the freedom that we cherish. Again, he won.

All of us as Americans have reason to be proud that Lane Kirkland is one of us. Those of us from South Carolina, however, have the privilege of claiming him as one of ours.

Mr. President, I appreciate Lane's friendship over the years and wish him and Irena all the best.

IN COMMEMORATION OF COAST GUARD DAY

Mr. PRESSLER. Mr. President, I rise to congratulate the U.S. Coast Guard on this, its 250th birthday. Since its formation on August 4, 1790, Coast Guard men and women have served our Nation proudly, professionally, and with distinction. They have served in a complex organization that has grown and evolved along with our country. From a fleet of 10 small cutters built to stop smuggling, the Coast Guard has developed into a multimissioned organization that is the world's premier maritime service.

The Active Duty, Civilian, Reserve, and Auxiliary personnel of the Coast Guard today perform many more missions than those who served in 1790. On an average daily basis, the Coast Guard: conducts 191 search and rescue cases; saves 14 lives and assists 328 people; saves nearly $2.5 million in property; seizes 209 pounds of marijuana and 170 pounds of cocaine worth $9.2 million; boards 90 large vessels for port safety checks; processes 120 seamen's documents; responds to 34 oil or hazardous chemical spills; conducts 120 law enforcement boardings, identifying 65 violations; investigates 17 marine accidents; inspects 64 commercial vessels; services 150 aids to navigation; and interdicts 176 illegal migrants.

Everyone knows the valiant and often heroic efforts of Coast Guard personnel as they perform search and rescue missions. During one such mission this past winter, a Coast Guard rescue swimmer displayed true bravery. Aviation Survivalman First Class Michael Odom jumped from a Coast Guard helicopter in the middle of the night and swam several hundred yards through turbulent seas to help rescue three men. After the third man was safely pulled aboard the helicopter, the hoist cable broke, leaving Odom stranded in the ocean hundreds of miles from shore. Fatigued, the Coast Guardsman dragged himself aboard a life raft, and a waited rescue. The 20 foot seas and 40 knot winds repeatedly swept him from his raft, and he began to experience severe seasickness. Unconscious, hypothermic, and near death, he as rescued 5 hours later by a second helicopter. This spring, Aviation Survivalman First Class Michael Odom received the Distinguished Flying Cross for his heroic actions—actions that characterize the people of this great service.

The Coast Guard also continues to be the Nation's primary Federal maritime agency. As a lead organization in the war on drugs, the Coast Guard regularly stops the flow of illegal substances bound for our cities and communities, as demonstrated by a recent interdiction in which a Coast Guard cutter stopped a vessel with over 5,000 pounds of cocaine on board.

Responding to safety problems posed by foreign vessels operating in U.S. waters, the Coast Guard implemented a Port State Control Initiative last year that has produced positive results. Coast Guard marine inspector boardings of foreign ships in general have increased 70 percent, while boardings of foreign freight ships—the vessel type most often associated with substandard characteristics—have seen a 10-fold increase from previous levels. These efforts have led to the identification of over 400 shipowners and operators and 18 flag states associated with substandard ships. As a result of this targeting, the Coast Guard has enhanced its ability to focus boarding efforts on those ships that pose the greatest risk to marine safety and environmental security.

Coast Guard personnel are often at great risk in performing their dangerous missions. This past January, while conducting a law enforcement boarding, PO Jonathan D. Scotchmer made the ultimate sacrifice when the floor beneath him collapsed. His dedication to duty and willingness to serve his country are an inspiration to us all and will not be forgotten. Petty Officer Scotchmer is a true hero.

Despite being the smallest of the U.S. Armed Forces, the Coast Guard in some manner positively affects the lives of virtually all Americans. The service's efforts to enforce fisheries laws and regulations, to prevent, and when required, respond to oil spills in our Nation's waters, and to rescue

those in distress in the maritime region are just one of the many examples of the daily impact of the Coast Guard.

Mr. President, it is for these efforts and the exemplary service to our Nation that the Coast Guard was recently presented with the Department of Transportation's Gold Medal for Outstanding Achievement. Coast Guard men and women are the ultimate lifesavers and guardians of the sea. I am proud and honored to commemorate their birthday by commending them for their dedicated service to a very grateful Nation.

FEMA DISASTER RELIEF FUND

Mr. BOND. Mr. President, today I am releasing a report prepared at my request by the inspector general of the Federal Emergency Management Agency regarding the integrity of the disaster relief fund which raises some serious concerns about how disaster relief funds are being spent.

Last week, the President signed into law a supplemental appropriation of $6.55 billion for the FEMA disaster relief fund. These funds are needed for expenses related to last year's Northridge earthquake as well as other disasters in 40 States, including my own. I'm pleased that the supplemental appropriation is now law, so that eligible expenses related to these catastrophic occurrences can be reimbursed.

Ensuring that these funds are expended to meet the critical disaster-related needs of individuals and communities, so that they can rebuild their lives and neighborhoods, is vital. However, ensuring that these funds don't serve as a slush fund for FEMA is absolutely essential, and the inspector general has raised questions about whether the disaster relief fund is indeed serving as a slush fund of sorts.

Specifically, the inspector general found that charges to the fund totaling $87 million were for nonspecific disasters, some of which may be inappropriate. There are no explicit guidelines to define those activities that directly support disaster relief and are therefore legitimate charges.

The FEMA Director must address this issue immediately to give us confidence that the funds are being spent consistently with the intent of the law.

The inspector general also found that the disaster relief fund data are often unreliable, grants management is weak, disaster loan management is inadequate, and certain FEMA policies do not appear to encourage the prudent use of disaster dollars.

Mr. President, let me make clear, I believe FEMA Director James Lee Witt has done a superb job of responding to each and every disaster he has been responsible for—from the Northridge earthquake to the Oklahoma City bombing. He and the Agency should be commended.

But we must ensure that FEMA disaster relief funds—which now total about $7 billion FEMA's accounts—are spent carefully and judiciously. I intend to ask FEMA to come up with a plan for strengthening controls on disaster relief funds and issue explicit guidelines and criteria.

Mr. President, I ask unanimous consent that a brief, 6 page executive summary of the FEMA inspector general's audit of FEMA's disaster relief fund be printed in the RECORD.

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

AUDIT OF FEMA'S DISASTER RELIEF FUND

PREFACE

This report presents the results of our audit of FEMA's Disaster Relief Fund. It was prepared in response to a request from Senator Christopher Bond and as part of our ongoing efforts to improve FEMA operations.

The report also addresses aspect of the Disaster Relief Fund that Director Witt asked us to review. It contains recommendations for corrective action. Accordingly, it is being sent to the Director, Associate Directors, Regional Directors, and the Chief Financial Officer. Copies of the report are also being sent to Members of Congress.

The Audit Division, Officer of Inspector General, prepared this report. Questions may be addressed to Richard L. Skinner, Assistant Inspector General for Audit, at (202) 646–3911.

GEORGE J. OPFER,
Inspector General.

EXECUTIVE SUMMARY

In response to a request by Senator Christopher Bond, the Office of Inspector General undertook an audit of the Disaster Relief Fund. We concentrated our efforts on the financial management of the Fund and on issues that offered an opportunity for improving operations and reducing costs. Given the time available, we were not able to address every issue that deserved attention. We plan to continue to devote resources to the review of FEMA's use of the Fund.

It is important to consider the environment in which FEMA operated since the 1988 enactment of the Stafford Act. The number of disasters has steadily increased. There have been more average or ''garden-type'' disasters. In addition, the United States has been struck by two major hurricanes, Hugo and Andrew, the massive months-long Midwest floods, and the catastrophic Northridge, California earthquake. Responding to these disasters put tremendous pressure on FEMA's financial and personnel resources.

In this difficult environment, FEMA's performance in assisting disaster victims has been criticized. In response to this criticism FEMA has taken aggressive steps to improve the delivery of services while trying to contain costs. To illustrate, some of the more significant actions include:

Acquisition of a new financial management system.

Establishment of a Disaster Finance Center to process payments.

Establishment of National Processing Services Centers.

Automation of Teleregistration and damage verification inspections.

Establishment of a Disaster Resources Review Board.

Development of a new property management system.

These initiatives should go a long way in improving disaster relief operations and reducing disaster costs. However these actions are only the first steps. Much more work needs to be done. Clearly through, FEMA is on the right road and given enough time and resources the problems can be solved.

We present numerous findings and recommendations that should aid FEMA in its efforts to improve operations and reduce costs. The following summarizes those findings.

RELIABILITY OF FINANCIAL DATA

Disaster Relief Fund financial data are often unreliable. The Fund balance does not accurately reflect either cash in the Fund or amounts available to assist disaster victims. FEMA's accounting system is inadequately controlled and personnel lack the discipline necessary to ensure financial data integrity. Budget requests are flawed because they are based on unreliable financial data and projected disaster costs that are not precise. (See Chapter 1, page 9.)

APPROPRIATENESS OF EXPENDITURES

In fiscal year 1995, non-specific disaster charges are expected to total $86.8 million, about four percent of total fund expenditures. Many charges appear legitimate. Others, however, fall into a ''gray'' area, i.e., depending on one's interpretation of the Stafford Act and related FEMA guidelines, they may or may not be appropriate charges to the Fund. FEMA needs to develop explicit guidelines that define those activities that directly support disaster relief operations and, therefore, are legitimate charges to the Disaster Relief Fund. (See Chapter 2, page 21.)

GRANTS MANAGEMENT

FEMA has awarded Public Assistance grants totaling billions of dollars to thousands of grantees without an adequate grants management system to ensure funds are used properly. Significant improvements are needed in pre-award and post-award processes to ensure that grantees are accounting for and using funds properly. Policies and procedures for all aspects of grants management are needed. (See Chapter 3, page 31.)

MANAGEMENT OF DISASTER LOAN PROGRAMS

FEMA's Disaster Loan Program includes State Share Loans and Community Disaster Loans totaling over $179 million. FEMA has limited recourse in collecting loans if borrowers misuse funds. Loan agreements, and other contractual agreements are not regularly executed. FEMA's interest, therefore, is not protected. Better loan monitoring and tighter restrictions on borrowers' use of funds are needed. (See Chapter 4, page 47.)

ECONOMY AND EFFICIENCY OF OPERATIONS

We reviewed FEMA's management of human resources at the disaster site, use of mission assignments to task other Federal agencies for goods and services, and management of property acquired with Disaster Relief Funds. We also reviewed certain grant policies that did not appear to encourage the prudent use of disaster dollars.

After the initial response to a major disaster, FEMA can do a better job of managing resources to reduce travel related costs. We estimate that $2 million dollars might have been saved in Northridge by hiring locals in a more timely manner. FEMA has recognized the need for improved staff management and is taking steps to improve its management of human resources at disaster sites.

FEMA does not have a system to ensure that the States' cost sharing requirements are satisfied for work done through mission assignments. Also, untimely billings from other Federal agencies are tying up disaster dollars for excessive periods.

Even though FEMA has taken several steps to improve controls over property, more still needs to be done. Additional training is needed to ensure the new property management system will work effectively. Also, there is a need to establish controls over property that is purchased by other Federal agencies under mission assignments.

FEMA's policy on small public assistance projects is resulting in unnecessary costs to disasters. Small projects are those under $43,600 and are funded based on estimated cost. Under FEMA's policy, grantees are only required to certify that the project is completed; they are not required to account for project costs. As a result, funds that have not been used for disaster-related costs are not being returned to FEMA.

Grantees are not required to account for and are not spending all the funds provided for administrative costs associated with public assistance grants. There are two ways grantees can receive funds for administrative costs: (1) a statutory fee calculated as a percentage of public assistance awards; and (2) a management grant. The management grants are fulfilling much of the grantees' administrative requirements leaving much of the statutory fees unspent. FEMA needs to reexamine its policy for providing administrative fees to grantees to ensure that the funds are accounted for and actually needed for the delivery of disaster related services.

Considerable savings could be achieved by limiting the Federal cost share for public assistance projects to 75 percent of estimated project cost. Since 1989 the cost share for 22 disasters was 90 or 100 percent. We estimate that over $1.5 billion could have been saved if the cost share had been held to 75 percent.

BACKGROUND

Since passage of the Stafford Act in 1988, FEMA has obligated about $12 billion for disaster relief. FEMA officials project that an additional $8 billion could be obligated for disasters declared prior to July 1, 1995. The Federal contribution for disaster assistance has increased dramatically in the past 20 years, due in part to the greater number and magnitude of disasters.

There is growing Congressional concern over the spiraling Federal outlays associated with FEMA's disaster assistance programs and a desire to control future disaster spending, FEMA, also, has recognized the need to control disaster costs. It has several initiatives underway or planned to get a better grip on the escalating costs.

Among the major initiatives that FEMA is currently developing or planning are: (1) a new financial system to permit better identification and control of billions of dollars of disaster related costs, (2) a property management system that will allow for better accounting and control over the millions of dollars of property purchased for disasters, (3) improvements in staffing disasters to control personnel and travel related costs, (4) centralization of support services such as financial management and applicant registration, (5) automation of labor intensive processes such as damage inspections, and (6) Performance Partnership Agreements with States that will limit the amount of disaster assistance based on a per capita dollar amount. All of these initiatives are underway, and if successful, should result in better management and control over disaster dollars.

Congress, however, remains concerned with the escalating costs of disasters. On April 27, 1995, the Office of Inspector General received a request from Christopher S. ''Kit'' Bond, Chairman of the Appropriations Subcommittee for Veterans Administration, Housing and Urban Development, and Independent Agencies, to undertake a review of FEMA's Disaster Relief Fund to identify ways that costs can be reduced.

This audit responds to the Senator's request by examining the nature of costs charged to the Disaster Relief Fund, the feasibility of converting loan programs to grants, the economy and effectiveness of disaster operations, and implications of increased cost sharing.

AMBASSADOR ALBRIGHT'S TESTIMONY ON IRAQ

Mr. PELL. Mr. President, yesterday the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs held two hearings on Iraq. The hearings, chaired by the distinguished subcommittee chairman, Senator BROWN, focused on the importance of maintaining U.N. sanctions on Iraq and on the Iraqi atrocities against the Kurds.

I thought both hearings made a significant contribution to the Senate's understanding of a critical foreign policy issue, and I commend Senator BROWN for bringing the matter to the forefront of the subcommittee's agenda.

At the start of the first hearing, U.S. Ambassador to the United Nations Madeleine Albright made a compelling, irrefutable case for keeping U.N. sanctions in place against Iraq. Equally as important, her testimony underscored the superb job the United Nations is doing to dismantle Iraq's weapons of mass destruction programs, deter further Iraqi aggression, and to protect Iraq's minorities.

At a time when the Congress is considering numerous proposals to condition or reduce U.S. support of the United Nations, Ambassador Albright's testimony serves to remind us of the tremendous contributions the United Nations makes to advance vital U.S. foreign policy interests. I ask unanimous consent that the full text of Ambassador Albright's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR MADELEINE K. ALBRIGHT

Good afternoon, Mr. Chairman, and members of the subcommittee.

I welcome this timely opportunity to discuss with you United States policy towards Iraq, with particular attention to the aspects of that policy that are carried out through the United Nations.

As members of the subcommittee know, the United States has been determined, in the aftermath of the Persian Gulf War, to prevent Iraq from once again developing weapons of mass destruction or threatening its neighbors with aggression. In this effort, the tool of economic and weapons sanctions, imposed by the U.N. Security Council, has been of singular value.

Over the past year, we have worked hard to gain and maintain support for our view that sanctions should remain in place until Iraq is in overall compliance with all relevant Council resolutions. This effort has been successful. In March, May, and again in July the sanctions were extended without controversy or change.

Iraqi officials have said publicly in recent days that, if the sanctions are not lifted in September, when they next come up for review, Iraq will cease to cooperate with the United Nations Special Commission, or UNSCOM, which is the body established to monitor Iraqi compliance. Such statements are harmful both to the interests of the Iraqi people and to the world at large.

The re-integration of Iraq into the world community is a goal we all share, but there is only one path to that objective—and that path requires full cooperation with UNSCOM and full compliance with the requirements of the Council. The regime in Baghdad must understand that it is not involved in a negotiation; it is under an obligation brought on by its own transgressions.

The United States is insisting, as is a majority of Security Council members, that before there is serious discussion of lifting sanctions, Iraq must comply not only with its obligations concerning weapons of mass destruction, but with other obligations established under council resolutions. These include the return of stolen property, accounting for those missing in action, and ending support for terrorism and repression against the Iraqi people.

In his speech on July 17, Saddam Hussein characterized the UN sanctions as ''cruel, harsh and repressive'' and said they were causing ''great suffering'' among the Iraqi people. Unfortunately, the sincerity of this statement of concern is belied by Saddam's refusal to accept the terms of Security Council Resolution 986, which would permit Iraq to sell up to $1 billion of oil every three months in order to purchase humanitarian supplies. It is belied, as well, by the ''putting people last'' spending priorities of the Iraqi government, by Saddam's campaign of terror against minorities in the north and south, and by the barbaric treatment given Iraqis suspected of disloyalty to the regime.

For four years, Iraqi officials have sought alternatives to full compliance with Council resolutions. They have delayed and obfuscated. They have demanded concessions in return for small steps. They have threatened and bullied UNSCOM. They have lied. Last fall, they even attempted to intimidate the Council through threatening military maneuvers directed towards Kuwait.

These tactics have not worked; and in the interests of stability and justice, they must not be allowed to work.

Last month's decision by the Iraqi government to release two American citizens who had been detained since March was welcome, but irrelevant to the sanctions issue. The two Americans should not have been jailed in the first place. We congratulate Representative Bill Richardson for his successful effort to gain their release, but his was strictly a humanitarian endeavor. There was no message of any kind from the Administration and no authorization to negotiate. The Richardson trip did not represent the opening of a new channel of communication between Iraq's government and our own, and it has not and will not influence our policy with respect to sanctions.

Let me describe now, more specifically, what that policy is and why we feel so strongly about it.

We are insisting that Iraq meet fully all obligations established by the Security Council because we remain highly distrustful of the Iraqi regime, and because that regime remains a potential threat to a region of great strategic importance to us and to the world. It was five years ago this week that Iraq invaded Kuwait. Hundreds of thousands of American soldiers put their lives at risk to halt and reverse that act of blatant aggression. We should not allow Saddam Hussein to regain in the Security Council what he forfeited through his own ambition and miscalculation on the battlefield.

It should be obvious that a premature return to business as usual with this regime would entail grave and unacceptable risks. If past is prologue, we could expect the Iraqi Government to resume the development and production of weapons of mass destruction as rapidly as possible; we could expect it to test repeatedly the limits of what could be gained through the intimidation of its neighbors; we

could expect a halt to progress in resolving humanitarian and financial issues arising out of Iraq's invasion of Kuwait; and we could expect continued brutal repression of the Iraqi people.

Accordingly, we are determined to maintain sanctions until we are convinced by Iraq's behavior that it no longer constitutes a threat to peace and stability in the Persian Gulf. Iraq can demonstrate that by proving—through its compliance with the Resolutions—that it is no longer an outlaw state. Only when its peaceful intentions are proven will there be grounds for modifying the sanctions regime.

Experience tells us that Saddam Hussein's Iraq will respond constructively only to a policy of firmness and steady resolve. Last fall, when Iraqi troops once again threatened Kuwait, President Clinton responded immediately, forecefully and effectively. As a result, Baghdad not only pulled back its troops; but it agreed, at long last, to recognize formally its legal border with Kuwait.

The central question, of course, is whether Iraq is, in fact, complying with the terms of the relevant Security Council resolutions. The answer, unfortunately, is that Iraqi compliance has been grudging, slow, sporadic and insufficient.

During the next few minutes, with the help of the National Intelligence Council, I would like to review with you the facts and the evidence that supports them. Mr. Andrew Liepman of the CIA is here to assist in answering any questions you may have.

WEAPONS OF MASS DESTRUCTION (WMD)—BIOLOGICAL WARFARE

First, with respect to weapons of mass destruction.

On July 3, the Security Council was notified by UNSCOM Chairman Ekeus that Iraq had finally admitted that it had, indeed, possessed an offensive biological warfare program. The Iraqis said that the program was conceived in 1985 and that the production of biological warfare agents began at the Al Hakam facility in 1989 and continued until 1990. They claimed that the biological warfare agents produced were destroyed in October 1990 in view of the imminence of hostilities.

The Iraqis have now undertaken to draft a complete report on their biological warfare program. We understand that an initial draft has been prepared, and that it is—as we speak—being reviewed in Baghdad by UNSCOM. If past efforts by Iraq are any precedent, we can expect the process of explanation and verification to consume a considerable amount of time. In the area of chemical weapons, for example, Iraqi obfuscation, deception and sloppiness caused a delay measured not in days or months, but years. The sad fact is that no initial Iraqi weapons declaration has been truthful.

There are, moreover, ample grounds for continued skepticism.

Iraq claims—we believe falsely—that the biological warfare agents produced were never weaponized. We believe that the Iraqis began their biological warfare program much earlier than they have admitted, and that more biological agents were manufactured and many more facilities and people involved than Iraq has revealed.

Iraq has not acknowledged to the UN anywhere near the number of people normally associated with a research effort of this size. Iraq will have to cooperate with UNSCOM in showing the location of its biological warfare facilities and the equipment used in production. UNSCOM will also need a full explanation of the disposition of the more than 17 tons of biological growth media that remain unaccounted for and of the ways and means by which the produced biological agents were allegedly destroyed.

We should not forget that, until five weeks ago, Iraq denied outright the existence of an offensive biological warfare program. The story changed only after irrefutable evidence was made available to UNSCOM and members of the Security Council that such a program had existed. In other words, Iraq only admitted what we already knew. We cannot count on Iraqi officials to volunteer accurate information and, in this context, the importance of obtaining complete, accurate and verifiable data is critical.

Consider that the Iraqis have admitted to producing more than 500,000 liters of anthrax and botulinum toxin at the Al Hakam facility. Anthrax, in doses of a millionth of a gram, is fatal within five to seven days, nearly 100 percent of the time. Botulinum is 100,000 times more toxic than the chemical warfare agent sarin that was used by terrorists in the Japanese subway tragedy earlier this year. Although weather conditions and limitations on delivery capability would limit potency, it is at least theoretically true that the amount of biological warfare agents Iraq admitted producing is more than enough to kill every man, woman and child on earth.

OTHER WEAPONS OF MASS DESTRUCTION

Discrepancies between the Intelligence Community's assessments of the scale of Iraqi WMD efforts and Iraqi declarations to the UN lead us to believe that Iraq is still hiding equipment and materials belonging to its other WMD programs. For example, the U.S. Intelligence Community estimates that as many as several dozen Scud missiles remain unaccounted for.

We are concerned, moreover, that if the oil embargo is lifted unconditionally, Baghdad could well order the departure of UN inspectors. Under those circumstances, Iraq could then rebuild its weapons of mass destruction programs, a process that would take: less than a year for Iraq's biological weapons programs; two to three years for its chemical warfare (CW) program; and five to seven years, with foreign help, for a first nuclear device.

Lest there be doubt about its intentions, Iraq continues to devote money and manpower to rebuilding its infrastructure for its weapons of mass destruction and conventional weapons programs. The Al Kindi missile research and development facility, for example, supported many Iraqi weapons programs before the war. The facility was damaged heavily during Operation Desert Storm but has been largely rebuilt and even expanded since then. The facility has been under UN supervision, but if UN inspectors were forced to leave, it could easily be converted to support prohibited weapons programs.

The Habbaniyah II facility produced CW agent precursor chemicals before Desert Storm. The Iraqis have rebuilt the main production building and the chlorine plant and have added a phenol production line as well as a ferric chloride line. These production lines contain dual-use equipment that, in the absence of UNSCOM, could easily be converted to CW agent or precursor chemical production.

RETURN OF CAPTURED KUWAITI MILITARY EQUIPMENT

The Security Council has required that Iraq return to Kuwait the military equipment it stole during the invasion. Iraq's claim to have complied with this requirement is laughable.

Baghdad says that it retains only a few pieces of damaged Kuwaiti combat equipment; the truth is that Iraq has integrated a variety of this equipment into its own military.

For example, Iraq claims that it has only four of the BMP–2 infantry fighting vehicles that it stole from Kuwait; we estimate it has more than 200.

Prior to the invasion of Kuwait, Iraq only had single-carry heavy-lift transporters in its inventory. They stole about 100 Kuwaiti transporters capable of carrying two APCs each. The Iraqis even used them to move pieces of equipment—including the stolen Kuwaiti BMP–2's—that were used to threaten the emirate last October.

Much of what Iraq actually has returned is not Kuwaiti at all, but rather derelict Iranian equipment, captured during the Iran-Iraq war, complete with documents written in Farsi and painted-over pictures of the Ayatollah Khomeini.

TERRORISM

Iraq has also continued to use terror as an instrument of state policy.

We believe Iraqi security services were behind a highly suspicious auto accident last summer that resulted in the death of the son of the late spiritual leader of Iraqi Shia.

In April 1994, Iraqi intelligence officers murdered Talib al-Suhayl, an Iraqi oppositionist in Beirut. The officers were arrested and still being held by Lebanese authorities.

Iraq also remains in contact with terrorist groups such as the Abu Nidal Organization and the Palestine Liberation Front.

REPRESSION OF THE IRAQI PEOPLE

Security Council Resolution 688 requires that the Government of Iraq cease its brutal repression of the Iraqi people. Here, as elsewhere, the record of Iraqi compliance is dismal.

The Special Rapporteur of the UN Commission on Human Rights, Max van der Stoel, reports that repression continues, including political killings, mass executions and state-sponsored terrorism.

In the north, Saddam's economic blockade of the three Kurdish provinces is now in its third year, and Baghdad's shut-off of electrical power to Dahuk province is in its second year.

In the south, at least 700 hamlets have been destroyed by government forces since 1991. More have been destroyed this year. Government attacks against Shia communities have been accompanied over the past two years by the draining of the southern marshes. This has produced catastrophic results for local animal species and for the marsh Arabs whose unique and ancient culture now verges on extinction.

The Special Rapporteur has asserted that the Government of Iraq has engaged in war crimes and crimes against humanity, and may have committed violations of the 1948 Genocide Convention. The Special Rapporteur continues to call on the Government of Iraq to permit the stationing of monitors inside the country to improve the flow of information and to provide independent reporting of alleged human rights abuses. We continue to support Mr. van der Stoel's work and his call for monitors.

COPING WITH SANCTIONS—PALACES FIRST; PEOPLE LAST

In April, the Security Council approved Resolution 986, to simplify procedures for Iraq to sell a limited amount of oil to purchase humanitarian goods for its people. Iraq has rejected this resolution, demonstrating again that Saddam Hussein desires not to ease his people's suffering, but to use that suffering to gain sympathy for getting sanctions lifted.

Neither war nor sanctions nor diplomatic isolation have altered Saddam's priorities; he continues to devote considerable resources to rebuilding the Iraqi military and his own palaces.

Iraq has built 50 new palaces or luxury residences since the end of Desert Storm at

a cost of over $1.5 billion. There are now 78 such palaces or residences in Iraq for use by Saddam, his family, or close supporters.

For example, the Mosul palace complex includes two areas; one with five palaces and two offices or apartment buildings; the other with three completed palaces and a fourth under construction on a newly excavated, man-made lake. The estimated postwar cost of expanding this complex is between $170–$230 million.

One of the largest and most elaborate palaces in Iraq is in the Lake Tharthar complex; its estimated size of about 300,000 square feet is about five times the size of the White House and one and one-half the size of Versailles. Other buildings on the compound, including residence and service and security facilities, add at least another 150,000 square feet to the complex. The estimated cost of this complex is $180-$240 million.

An additional $230-$310 million has been spent since the end of the war adding new wings with elaborate archways to the Baghdad Republican Palace, a building which serves as the official palace and symbol of the regime.

In addition to diverting scarce resources away from needed purchases of humanitarian goods, Saddam and his family capitalize on their official positions in Iraq for personal profit, often at the expense of their own citizens.

For example, members of Saddam's family, particularly his son Uday, control extensive business interests in Iraq. Some family members exploit the economic distortions caused by UN sanctions by importing goods into Iraq for resale at exorbitant prices. Saddam's relatives also are involved in illicit oil exports from Iraq and use the proceeds, in part, to line their own pockets. Finally, relief supplies donated by the international community also have ended up for sale in stores reserved for the elite friends of the regime.

A LOOK AHEAD

In closing, Mr. Chairman, I would like to stress several points.

First, UN sanctions against Iraq have accomplished much. Iraq's capacity to produce weapons of mass destruction has been dismantled; weapons have been destroyed; the border with Kuwait has been recognized; there are clear constraints on what Iraq can do to intimidate its neighbors. The effectiveness of sanctions is directly attributable to their multilateral nature. Here, the value of the United Nations, and the importance of international cooperation in defense of common interests, is clear.

Second, the continued effectiveness of sanctions cannot be taken for granted. We have indicated that we would use the veto, if necessary, to prevent sanctions from being lifted prematurely. But to be most effective, sanctions must be enforced, and that is much harder to do unilaterally. This is a major reason we have argued so strongly, in the context of Bosnia and elsewhere, that the integrity of UN sanctions must be respected.

Third, the value to our interests of sharing appropriate, but sensitive, information with United Nations bodies has been demonstrated clearly in this case. And those who lapse into derisive generalities about the quality and capabilities of UN organizations should recognize that UNSCOM has performed its complex tasks extremely well despite difficult and at times dangerous conditions.

America's position on Iraq sanctions has been consistent, principled and grounded in a realistic and hard-won understanding of the nature of the Iraqi regime.

Our policy will not change until and unless Iraq does everything the UN Security Council says it must. As President Clinton stated in his most recent report to Congress on this subject:

Iraq is still a threat to regional peace and security . . . I continued to be determined to see Iraq comply fully with all its obligations under the UNSC resolutions. I will oppose any relaxation of sanctions until Iraq demonstrates its overall compliance with the relevant resolutions. Iraq should adopt democratic processes, respect human rights, treat its people equitably and adhere to basic norms of international behavior.

I should add that the Administration appreciates the strong and bipartisan support it has had from Congress with respect to our policy towards Iraq. this has been, and will remain an essential ingredient to that policy's success.

Thank you once again for the opportunity to be here today. I look forward to any questions you might have.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED ''SUSTAINABLE ENERGY STRATEGY: CLEAN AND SECURE ENERGY FOR A COMPETITIVE ECONOMY''—MESSAGE FROM THE PRESIDENT—PM 73

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

Throughout this century, energy has played a prominent role in American progress. The rise of the great industrial enterprises, the ascendence of the automobile, the emergence of environmental awareness, and the advent of the truly global economy all relate to the way that society produces and uses energy. As we face the opportunities and challenges of the next century, energy will continue to exert a powerful influence on our Nation's prosperity, security, and environment.

Energy policies that promote efficiency, domestic energy production, scientific and technological advances, and American exports help sustain a strong domestic economy. The need to protect the environment motivates our continual search for more innovative, economic, and clean ways to produce and use energy. And although oil crises have receded into memory, their potential for harming our economy and national security remains.

Our Administration has actively pursued a national energy policy since January 1993. We have engaged in an active dialog with thousands of individuals, companies, and organizations. Informed by the dialogue, we have committed the resources of the Department of Energy and other agencies to ensure that our policy benefits energy consumers, producers, the environment, and the average citizen.

This report to the Congress, required by section 801 of the Department of Energy Organization Act, highlights our Nation's energy policy. The report underscores our commitment to implement a sustainable energy strategy—one that meets the needs of today while expanding the opportunities for America's future. By implementing a sustainable strategy, our energy policy will provide clean and secure energy for a competitive economy into the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 4, 1995.*

REPORT OF THE DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY OPERATING BUDGET FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 74

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 106(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, I am transmitting the District of Columbia Financial Responsibility and Management Assistance Authority's operating budget for FY 1996.

The Authority's request for its FY 1996 operating budget is $3.5 million. This budget was developed based on a estimated staffing level of 35 full-time employees. After reviewing the budgets and staffing levels of other control boards, the Authority believes this staffing level is the minimum necessary to carry out its wide range of fiscal, management, and legal responsibilities.

This transmittal does not represent an endorsement of the budget's contents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 4, 1995.*

MESSAGES FROM THE HOUSE

At 9:41 a.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 92. Concurrent resolution providing for an adjournment of the two Houses.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 2002. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–126).

By Mr. THURMOND, from the Committee on Armed Services, with an amendment:

S. 922. An original bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 104–127).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 227. A bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions and for other purposes (Rept. No. 104–128).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Evan J. Wallach, of Nevada, to be a Judge of the United States Court of International Trade.

Terence T. Evans, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

James M. Moody, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Michael R. Murphy, of Utah, to be United States Circuit Judge for the Tenth Circuit.

Donald C. Pogue, of Connecticut, to be a Judge of the United States Court of International Trade.

Joseph H. McKinley, Jr., of Kentucky, to be United States District Judge for the Western District of Kentucky.

Ortrie D. Smith, of Missouri, to be United States District Judge for the Western District of Missouri.

William K. Sessions III, of Vermont, to be United States District Judge for the District of Vermont.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. John P. Otjen, 000–00–0000, United States Army.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. James R. Clapper, Jr., 000–00–0000, United States Air Force.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1121. A bill to amend title 23, United States Code, to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 1122. A bill to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1123. A bill to limit access by minors to cigarettes through prohibiting the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in Federal buildings and property accessible by minors; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON:

S. Con. Res. 23. A concurrent resolution expressing the sense of the Congress in affirmation of the National Voter Registration Act of 1993, commonly known as the Motor Voter Act; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1121. A bill to amend title 23, United States Code, to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes; to the Committee on Environment and Public Works.

BILLBOARD CONTROL LEGISLATION

● Mr. JEFFORDS. Mr. President, today I am introducing a bill that will strengthen the Federal law that regulates billboards on our Nation's highways and scenic byways. My bill will close the loophole in the 1965 Highway Beautification Act that permits billboards in unzoned areas, a fact that clearly violates the spirit of the 1965 act.

I have been a strong supporter of strict billboard controls even since I represented Rutland County as a Vermont State senator. During my tenure as a State senator, I served as vice chair of the special committee that wrote Vermont's law banning billboards from our Federal highways and rural routes, and as state attorney general, I successfully defended the law in the Federal courts.

New billboards are being constructed along the U.S. Federal aid interstate and primary highways at record rates. In fact, based on estimates by the Congressional Research Service, one billboard is erected every 30 minutes all year long—a total of 15,000 to 16,000 annually—along Federal aid highways.

Currently, the Highway Beautification Act allows new billboards to be constructed in zoned and unzoned commercial and industrial areas. In theory, this limits billboards to areas with substantial bona fide commercial or industrial activity. In practice, however, this means that wherever there is any industrial or commercial use—for example, a single gas station—several bill billboards may be erected. Many of these signs have messages that are not even related to the adjacent business.

Mr. President, by bill will close this legal loophole by only allowing billboards to be constructed in those areas that are zoned for commercial or industrial use.

Mr. President, my bill will also require that the Federal Highway Administration keep track of the number of billboards on our Nation's highways. In 1991, the Congressional Research Service estimated that there were between 425,000 and 450,000 billboards in existence on Federal aid roads, but admitted that no one really knew how many billboards were along these roads.

Right now States are only required to report to the Federal Government the number of illegal and nonconforming billboards on their roads. Decent public policy cannot be made in the absence of information. My bill will require that States and the Federal Highway Administration track the number of conforming billboards along Federal aid highways and scenic byways.

Finally, Mr. President, my bill will prohibit the removal of trees and other types of vegetation for the sole purpose of improving billboard visibility. The idea that publically owned trees, many planted with public beautification funds, should be destroyed to enrich billboard owners is ludicrous. What is worse is that many of these billboards are nonconforming and are required by law to be removed anyway.

Mr. President, my bill will move the 1965 Highway Beautification Act closer to its original intent of preserving the public's investment in our highways by protecting scenic areas and natural resources and giving Congress the information it needs to make well-informed public policy. I urge my colleagues to become cosponsors of this legislation.●

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 1122. A bill to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes; to the Committee on the Judiciary.

THE CRIMINAL COPYRIGHT IMPROVEMENT ACT OF 1995

• Mr. LEAHY. Mr. President, I am pleased to introduce on behalf of Senator Feingold and myself, the Criminal Copyright Improvement Act of 1995. This bill would close a significant loophole in our copyright law and encourage the continued growth of the National Information Infrastructure by insuring better protection of the creative works available online.

This bill reflects recommendations and hard work of the Department of Justice. I want to commend the Department for recognizing the need for prompt action on this important problem.

Bruce Lehman, Commissioner of Patent and Trademark and chair of the Working Group on Intellectual Property Rights of the President's Information Infrastructure Task Force, recognizes the critical role of copyright protection as we move forward with the NII. The preliminary draft of the report of the working group, explained:

> The potential of the NII will not be realized if the information and entertainment products protectable by intellectual property laws are not protected effectively when disseminated via the NII. Owners of intellectual property rights will not be willing to put their own interests at risk if appropriate systems—both in the U.S. and internationally—are not in place to permit them to set and enforce the terms and conditions under which their works are made available in the NII environment. Likewise, the public will not use the services available on the NII and generate the market necessary for its success unless access to a wise variety of works is provided under equitable and reasonable terms and conditions, and the integrity of those works is assured. All the computers, telephones, fax machines, scanners, cameras, keyboards, televisions, monitors, printers, switches, routers, wires, cables, networks and satellites in the world will not create a successful NII, if there is not content. What will drive the NII is the current moving through it.—Intellectual Property and the National Information Infrastructure, July, 1994, p. 6.

The copyright Act, which is grounded in the copyright clause of the Constitution, assures that "contributors to the store of knowledge [receive] a fair return for their labors." Harper & Row The Nation Enterprises, 471 U.S. 539, 546 (1985). I am mindful, however, that when we exercise our power to make criminal certain forms of copyright infringement, we should act with "exceeding caution" to protect the public's First Amendment interest in the dissemination of ideas. *Dowling* v. *United States*, 473 U.S. 207, 221 (1985).

For a criminal prosecution under current copyright law a defendant's willful copyright infringement must be for purposes of commercial advantage or private financial gain. Not-for-profit or noncommercial copyright infringement is not subject to criminal law enforcement, no matter how great the loss to the copyright holder. This presents an enormous loophole in criminal liability for willful infringers who can use digital technology to make exact copies of copyrighted software and other digitally encoded works, and then use computer networks for quick, inexpensive and mass distribution of pirated, infringing works. This bill would close this loophole.

United States v. *LaMacchia*, 871 F. Supp. 535 (D. Mass. 1994), is an example of the problem this criminal copyright bill would fix. In that case, an MIT student set up computer bulletin board systems on the Internet. Users posted and downloaded copyrighted software programs. This resulted in an estimated loss to the copyright holders of over one million dollars over a 6-week period. Since the student apparently did not profit from the software piracy, the Government could not prosecute him under criminal copyright law and instead charged him with wire fraud. The district court described the student's conduct "at best . . . as irresponsible, and at worst as nihilistic, self-indulgent, and lacking in any fundamental sense of values."

Nevertheless, the Court dismissed the indictment in LaMacchia because it viewed copyright law as the exclusive remedy for protecting intellectual property rights. The Court expressly invited Congress to revisit the copyright law and make any necessary adjustments, stating:

> Criminal as well as civil penalties should probably attach to willful, multiple infringements of copyrighted software even absent a commercial motive on the part of the infringer. One can envision ways that the copyright law could be modified to permit such prosecution. But, "[i]t is the legislature, not the Court which is to define a crime, and ordain its punishment."

This bill would ensure redress in the future for flagrant, willful copyright infringements in the following ways: First, serious acts of willful copyright infringement that cause significant loss to the copyright holders would be subject to criminal prosecution.

The bill would add a new offense prohibiting willful copyright infringement by reproduction or distributing copyrighted material with a total retail value of $5,000 or more. Under the new offense, it would be a misdemeanor to make even a single copy of a copyrighted work with a total retail value of between $5,000 and $10,000, and a felony if the total retail value of the infringed upon item or items was over $10,000.

These monetary thresholds, combined with the scienter requirement, would insure that criminal charges would only apply to willful infringements, not merely casual or careless conduct, that result in a significant level of harm to the copyright holder's rights. De minimis, not-for-profit violations, including the distribution of pirated copies of works worth less than $5,000, would not be subject to criminal prosecution.

Second, the bill would increase the monetary threshold for the existing criminal copyright offense, which makes it a misdemeanor to commit any willful infringement for commercial advantage or private financial gain, and a felony if 10 or more copies of works with a retail value of over $2,500 are made during a 180-day period. The bill would increase the monetary threshold in this offense from $2,500 to $5,000 for felony liability.

Third, the bill would expressly prohibit willfully infringing a copyright by assisting others in the reproduction or distribution, including by transmission of an infringed work. This would further ensure coverage of activities such as those of alleged in LaMacchia.

Fourth, the bill would add a provision to treat more harshly recidivists who commit a second or subsequent felony criminal copyright offense. Specifically, repeat offenders would be punished by imprisonment for up to 10 years rather than 5 years for a first felony offense. Such a calibration of penalties takes an important step in ensuring adequate deterrence of repeated willful copyright infringements.

Fifth, the bill would extend the statute of limitations for criminal copyright infringement actions from 3 to 5 years, which is the norm for violations of criminal laws under Title 18, including those protecting intellectual property.

Finally, the bill would strengthen victims' rights by giving victimized copyright holders the opportunity to provide a victim impact statement to the sentencing court. In addition, the bill would direct the Sentencing Commission to set sufficiently stringent sentencing guideline ranges for defendants convicted of intellectual property offenses to deter these crimes.

Technological developments and the emergence of the National Information Infrastructure in this country and the Global Information Infrastructure worldwide hold enormous promise and present significant challenges for protecting creative works. Increasing accessibility and affordability of information and entertainment services are important goals that oftentimes require prudent balancing of public and private interests. In the area of creative rights, that balance has rested on encouraging creativity by ensuring rights that reward it while encouraging its public availability.

I look forward to continuing to work with the Department of Justice and other interested parties to make any necessary refinements to this bill to insure that we have struck the appropriate balance.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

CRIMINAL COPYRIGHT IMPROVEMENT ACT OF 1995—SUMMARY

SEC. 1. SHORT TITLE.—The Act may be cited as the "Criminal Copyright Improvement Act of 1995."

SEC. 2. CRIMINAL INFRINGEMENT OF COPYRIGHTS.—The bill adds a new definition for "financial gain" to 17 U.S.C. §101, and

amends the criminal copyright infringement provisions in titles 17 and 18. The bill also ensures that victims of criminal copyright infringement have an opportunity to provide victim impact statements to the court about the impact of the offense. Finally, the bill directs the Sentencing Commission to ensure guideline ranges are sufficiently stringent to deter criminal infringement of intellectual property rights, and provide for consideration of the retail value and quantity of the legitimate, infringed-upon items.

(a) Definition of Financial Gain. Current copyright law provides criminal penalties when a copyright is willfully infringed for purposes of ''commercial advantage or private financial gain.'' The bill would add a definition of ''financial gain.'' The bill would add a definition of ''financial gain'' to the copyright law, 17 U.S.C. §101, and clarify that this term means the ''receipt of anything of value, including the receipt of other copyrighted works.'' This definition would make clear that ''financial gain'' includes bartering for, and the trading of, pirated software.

(b) Criminal Offenses. The requirement in criminal copyright infringement actions under 17 U.S.C. §506(a) that the defendant's willful copyright infringement be ''for purpose of commercial advantage or private financial gain,'' has allowed serious incidents of copyright infringement to escape successful criminal prosecution.

For example, in *United States* v. *LaMacchia,* 871 F. Supp. 535 (D. Mass. 1994), the defendant allegedly solicited users of a computer bulletin board system on the Internet to submit copies of copyrighted software programs for posting on the system, and then encouraged users to download copies of the illegally copied programs, resulting in an estimated loss of revenue to the copyright holders of over one million dollars over a six week period. Absent evidence of ''commercial advantage or private financial gain,'' the defendant was charged with conspiracy to violate the wire fraud statute, 18 U.S.C. §1343. The district court described the defendant's conduct as ''heedlessly irresponsible, and at worst as nihilistic, self-indulgent, and lacking in any fundamental sense of values,'' but nevertheless dismissed the indictment on the grounds that acts of copyright infringement may not be prosecuted under the wire fraud statute.

The bill would add a new section 17 U.S.C. §506(a)(2) to prohibit willfully infringing a copyright by reproducing or distributing copyrighted material, which has a total retail value of $5,000 or more. This monetary threshold, combined with the scienter requirement, insures that merely casual or careless conduct resulting in distribution of only a few infringing copies would not be subject to criminal prosecution. Criminal charges would only apply to willful infringements resulting in a significant level of harm to the copyright holder's rights. De minimis violations would not be covered.

By contrast to the offense in 17 U.S.C. §506(a)(1), which requires that 10 or more copies be made during a 180-day period for a felony penalty, the new proposed offense in §506(a)(2), does not contain a numerical threshold or requisite time period during which the infringement must occur. Instead, criminal sanctions would attach under §506(a)(2) if only a single copy were made of a copyrighted work with a total retail value of over $5,000. The criminal offense would be a misdemeanor if the total retail value of the infringed-upon items was between $5,000 and $10,000, and a felony if the total retail value was over $10,000.

Court decisions have indicated that intangible property, such as intellectual property rights, may not be protected under traditional theft or fraud statutes. See *Dowling* v. *United States,* 473 U.S. 207 (1985) (''bootleg'' phonorecords that infringed copyrights not subject to interstate transportation of stolen property statute); *United States* v. *Brown,* 925 F.2d 1301, 1308 (10th Cir. 1991) (intangible property such as source code not protected by interstate transportation of stolen property statute); *United States* v. *LaMacchia,* 871 F. Supp. 535 (D. Mass. 1994) (violation of copyright holder's rights cannot be prosecuted under wire fraud theory). The copyright statute may be the only remedy available to protect copyrighted works, such as computer programs, from infringement by electronic copying. This is exceptionally important because a copyright attaches, automatically, when an original work is fixed in a tangible medium. Thus, any work embodying source code or any other literary work may be protected against unauthorized reproduction by uploading or downloading, if at all, by the copyright statute.

Under the bill, unauthorized reproduction or electronic ''theft'' (which is, essentially, a reproduction and distribution) of source code or other items worth $5,000 or more are subject to criminal penalties, and the theft of more valuable copyrighted material worth more than $10,000 is punishable at felony level. In sum, since cases reflect that intellectual property rights may not be protected by general criminal statutes, the bill would amend the copyright law to ensure such protection exists.

The offenses under §506(a)(1) and (a)(2) would overlap. For example, someone selling 10 or more copies of a copyrighted work may violate both provisions if the value of those copyrighted works is $5,000 or more. The key, however, is that the new provision in §506(a)(2) requires that the infringement involve, at a minimum, $5,000, and felony provisions do not attach until the value of the copyrighted works reaches $10,000. By contrast, any offense, regardless of value, involving private financial gain or commercial advantage constitutes at least a misdemeanor, and the crime reaches felony level under the bill once the retail value of the copyrighted material exceeds $5,000.

The bill would also expressly prohibit willfully infringing a copyright by ''assisting others'' in the reproduction or distribution of an infringed work. This would make clear that individuals who aid and abet a criminal copyright violation could not escape criminal liability by claiming that they were not responsible for the reproduction or distribution because they merely enabled others to engage in such conduct.

(c) Limitation on Criminal Procedures. The bill would amend 17 U.S.C. §507(a) to extend the statute of limitations for criminal copyright infringement actions from three to five years. A five year statute of limitations is the norm for violations of criminal laws under Title 18, including those that relate to protecting intellectual property. See, e.g., 18 U.S.C. §2319A (Unauthorized fixation of and Trafficking in sound recordings) and §2320 (Trafficking in counterfeiting goods or services).

(d) Criminal Infringement of a Copyright. The bill would amend the penalty provisions in 18 U.S.C. §2319 to comport with the proposed amendments to 17 U.S.C. §506(a), and would also add a new subsection providing for a victim impact statement.

First, under current law, willful copyright infringement for commercial advantage or private financial gain is a felony punishable by up to five years' imprisonment only when the offense consists of the reproduction or distribution during a 180-day period of ten or more copies with a retail value of over $2500. Willful infringements for commercial advantage, which do not satisfy the monetary threshold or quantity requirement during the statutory time period, are misdemeanor offenses. The bill would modify the felony penalty provision for willful copyright infringement for commercial advantage or private financial gain to cover reproductions or distributions ''by transmission'' and to cover those individuals ''assisting others in such reproduction or distribution.'' The bill would also change the monetary threshold from $2,500 to $5,000.

Second, the bill would provide a new penalty in 18 U.S.C. §2319(c) for the new offense in 17 U.S.C. §506(a)(2) of willfully infringing a copyright by reproduction or distribution of 1 or more copies of copyright works with a total retail value of $5,000 or more. This new offense would be punishable by a fine and up to 5 years' imprisonment if the total retail value of the legitimate, infringed work exceeded $10,000. If the value of the infringed work is between $5000 and $10,000, the offense would be a misdemeanor punishable by not more than 1 year and a fine.

The penalty structure under the bill is as follows:

Infringed work values	Under $5,000	$5,000–$10,000	Over $10,000
Willful infringement for commercial advantage/financial gain [17 U.S.C. § 506(a)(1)].	Misdemeanor	Felony, if 10 or more copies within 180-day period.	Felony, if 10 or more copies within 180-day period.
Willful infringement by reproduction or distribution of works with value over $5,000 for any reason, including commercial advantage/financial gain [17 U.S.C § 506(a)(2)].	No criminal liability.	Misdemeanor	Felony.

Third, the bill would add a provision to treat more harshly recidivists who commit a second or subsequent felony offense under 18 U.S.C. 2319(a), which refers to 17 U.S.C. §506(a) Under the bill, such recidivists would be punished by up to ten years' imprisonment and a fine.

Finally, the bill would add new subsection §2319(e), requiring that victims of the offense, including producers and sellers of legitimate, infringed-upon goods or services, holders of intellectual property rights and their legal representatives, be given the opportunity to provide a victim impact statement to the probation officer preparing the presentence report. The bill directs that the statement identify the victim of the offense and the extent and scope of the injury and loss suffered, including the estimated economic impact of the offense on that victim.

(e) Unauthorized Fixation and Trafficking of Live Musical Performances. The bill would add new subsection 18 U.S.C. §2319A(d) requiring that victims of the offense, including producers and sellers of legitimate, infringed-upon goods or services, holders, of intellectual property rights and their legal representatives, be given the opportunity to provide a victim impact statement to the probation officer preparing the presentence report. The bill directs that the statement identify the victim of the offense and the extent and scope of the injury and loss suffered, including the estimated economic impact of the offense on that victim.

(f) Trafficking in Counterfeit Goods or Services. The bill would add new subsection 18 U.S.C. §2320(d) requiring that victims of the offense, including producers and sellers of legitimate, infringed-upon goods or services, holders of intellectual property rights and their legal representatives, be given the opportunity to provide a victim impact statement to the probation officer preparing the presentence report. The bill directs that the statement identify the victim of the offense and the extent and scope of the injury

and loss suffered, including the estimated economic impact of the offense on that victim.

(g) Directive to Sentencing Commission. The Sentencing Commission currently takes the view that criminal copyright infringement and trademark counterfeiting are analogous to fraud-related offenses, and that appropriate sentences are to be calculated according to the retail value of the infringing items, rather than of the legitimate copyrighted items which are infringed. This may understate the harm. The bill would direct the Sentencing Commission to ensure that applicable guideline ranges for criminal copyright infringement and violations of 18 U.S.C. §§2319, 2319A and 2320 are sufficiently stringent to deter such crimes and provide for consideration of the retail value and quantity of the legitimate, infringed-upon items.●

By Mr. BINGAMAN:

S. 1123. A bill to limit access by minors to cigarettes through prohibiting the sale of tobacco products in vending machines and the distribution of free samples of tobacco products in Federal buildings and property accessible by minors; to the Committee on Environment and Public Works.

LEGISLATION BANNING TOBACCO VENDING MACHINES ON FEDERAL PROPERTY

Mr. BINGAMAN. Mr. President, 4 years ago, I introduced a bill to ban tobacco vending machines in Federal buildings and on Federal property accessible to children. Two years ago, I reintroduced the bill, and it passed the full Senate by voice vote as an amendment to the fiscal year 1994 Treasury-Postal Service appropriations bill. I rise today to reintroduce my bill for three simple reasons:

First, in 1993, after the Senate passed my amendment to ban tobacco vending machines on Federal property, the conferees failed to retain the legislative language, opting instead for the following statement in the fiscal year 1994 Treasury-Postal appropriations conference report:

. . . [elimination of the provision] does not signal a lack of concern for the health and safety of minors. The conferees agree that locating cigarette sales vending machines in areas accessible to minors poses a serious problem as their presence increases the availability of products which otherwise may be prohibited from sale to minors. Therefore, the conferees direct the Administrator to eliminate vending machines in areas which are accessible to minors.

Despite this directive, tobacco vending machines remain on federal property and many are fully accessible to children.

Second, more substantively, vending machines are extremely difficult to monitor. Not surprisingly, they are one of the chief sources of cigarette purchases among children and teenagers.

Third, finally, every State in the country has enacted a law to prohibit the sale or distribution of cigarettes to minors.

Mr. President, I would like to take a few moments to talk about each of the points I have listed.

As I mentioned, the congressional directive contained in the fiscal year 1994 Treasury-Postal Service appropriations bill was issued almost 2 years ago. In those 2 years, more than 2 million children and teens in this country took up smoking. One-third of them—more than 600,000 children—will later die of tobacco-related causes. Let me repeat that: more than 600,000 children will die because sometime over the past 2 years, they started to smoke. And we cannot even get a few cigarette vending machines out of some Federal buildings.

Mr. President, these statistics are not exaggerations. The facts are well known and widely acknowledged:

First, more than 420,000 people died each year from tobacco-related causes, making cigarette smoking the single most preventable cause of death and disability in the United States.

Second, every day, more than 3,000 children and teenagers start to smoke. More than two-thirds of all adult smokers had their first cigarette before the age of 14, and 90 percent began smoking by age 18.

Third, every year, minors consume 516 million packs of cigarettes, at least half of which are sold illegally to children and teens.

Five hundred sixteen million packs of cigarettes consumed by minors annually. Three thousand children starting to smoke every day. And every State in this country has a law prohibiting the sale of tobacco products to minors.

Clearly, something is not working. It is time for a new course of action. Some experts argue that the wisest, most effective course of action would be to take the tobacco industry up on its voluntary plan for reducing underage smoking and try to hold the industry to its commitment. Others argue that we should use this opportunity to give the Food and Drug Administration broader regulatory authority of tobacco products. The President is currently grappling with these tough issues, and we expect an announcement of his decision at any time.

For several years, I have sponsored legislation that would specifically give the FDA the authority to regulate nicotine-containing tobacco products. For a number of years, the Department of Health and Human Services has urged States and localities to take greater responsibility by, among other things, banning cigarette vending machines.

In recent years, other Federal officials, including President Clinton and former President Bush, have joined the Department's appeal to States and localities. In its Healthy People 2000 Report, the Public Health Service encourages Indian Tribal Councils to ''similarly enforce prohibitions of tobacco sales to Indian youth living on reservations'' because Indian nations are sovereign and exempted from State laws.

I agree with the Department's previous advice. I sincerely hope that over the next few days or weeks the President will take a tough stand on the issue of Federal regulation of tobacco products. I hope he will go much farther than this modest bill. At the same time, I would caution the President and my colleagues in the Senate not to forget the powerful message that leading by example can convey.

Mr. President, over that past several years, while the Federal Government has been urging every other political body in the country to ban cigarette vending machines, pack after pack are loaded into—and purchased out of—vending machines every day in Federal buildings. Those buildings include the Senate and House Office Buildings and the Old Executive Office Building, next door to the White House.

It is long past time for the vending machines to go. It is time for the Federal Government to lead by example. I believe that if we expect States, localities, Indian Tribal leaders, schools, parents, and even the tobacco industry itself, to take steps to protect our children from tobacco, then we in the Federal Government should join the effort. We should lead the effort. We can begin with passage of this legislation, which I ask to be printed in the RECORD at the conclusion of my remarks. Thank you.

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes.

S. 428

At the request of Mr. ROTH, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 428, a bill to improve the management of land and water for fish and wildlife purposes, and for other purposes.

S. 448

At the request of Mr. GRASSLEY, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 560

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 560, a bill to amend section 6901 of title 31, United States Code, to entitle units of general local government to payments in lieu of taxes for nontaxable Indian land.

S. 833

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] 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.

S. 851

At the request of Mr. JOHNSTON, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

S. 960

At the request of Mr. SANTORUM, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 960, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, and for other purposes.

S. 1086

At the request of Mr. DOLE, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1086, a bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes.

S. 1117

At the request of Mr. DASCHLE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1117, a bill to repeal AFDC and establish the Work First Plan, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Wyoming [Mr. THOMAS], the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts [Mr. KERRY], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Washington [Mrs. MURRAY] 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.

SENATE CONCURRENT RESOLUTION 23—RELATIVE TO THE NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. SIMON submitted the following concurrent resolution; which was referred to the Committee on the Rules and Administration:

S. CON. RES. 23

Whereas section 4 of article I of the Constitution provides that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed by State legislatures, subject to laws passed by the Congress;

Whereas the results of a recent study by the Congressional Budget Office indicate that the costs of implementing the National Voter Registration Act of 1993, commonly known as the Motor Voter Act, are far less than costs that would be considered unfunded mandates under the criteria of the Unfunded Mandates Reform Act of 1995; and

Whereas, States that have complied with the Motor Voter Act have, through such compliance, registered new voters in proportion to the demographics of those States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Congress is responsible for the ultimate protection of the voting process, which responsibility is to be exercised by making the voting process available to all persons who are eligible to become voters;

(2) it is appropriate for the Congress to affirm that the National Voter Registration Act of 1993, commonly known as the Motor Voter Act, is an appropriate measure to ensure the full participation of the American electorate in voting;

(3) any failure of a State to comply with the Motor Voter Act is illegal;

(4) not later than November 5, 1995, the Governors of the States should comply with the Motor Voter Act; and

(5) the actions of the Attorney General in seeking enforcement of the Motor Voter Act have the support of the Congress.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996 THURMOND (AND OTHERS) AMENDMENT NO. 2111

Mr. THURMOND (for himself, Mr. DOMENICI, Mr. LOTT, Mrs. HUTCHISON, Mr. BOND, Mr. THOMPSON, Mr. FRIST, and Mr. BINGAMAN) 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:

AMENDMENT NO. 2111

On page 515, strike out line 7 and all that follows through page 570, line 10, and insert in lieu thereof the following:

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,624,080,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,386,613,000, to be allocated as follows:

(A) For operation and maintenance, $1,305,308,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,305,000, to be allocated as follows: Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,520,000.

Project 96–D–103, Atlas, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $6,600,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades, Los Alamos National Laboratory, New Mexico, $9,940,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $12,200,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $15,650,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $6,200,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $17,995,000.

(2) For inertial fusion, $230,667,000, to be allocated as follows:

(A) For operation and maintenance, $193,267,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), $37,400,000:

Project 96–D–111, national ignition facility, location to be determined.

(3) For Marshall Islands activities and Nevada Test Site dose reconstruction, $6,800,000.

(b) STOCKPILE MANAGEMENT.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,035,483,000, to be allocated as follows:

(1) For operation and maintenance, $1,911,858,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $123,625,000, to be allocated as follows:

Project GPD–121, general plant projects, various locations, $10,000,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $600,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $900,000.

Project 96–D–126, tritium loading line modifications, Savannah River Site, South Carolina, $12,200,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $8,700,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,500,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, complex-21, various locations, $41,065,000.

Project 88–D–122, facilities capability assurance program, various locations, $8,660,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $13,400,000.

(c) PROGRAM DIRECTION.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of $118,000,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—

(1) $25,000,000, for savings resulting from procurement reform; and

(2) $86,344,000, for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) CORRECTIVE ACTIVITIES.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,406,000, all of which shall be available for the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 90–D–103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, Los Alamos, New Mexico.

(b) ENVIRONMENTAL RESTORATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration for operating expenses in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,550,926,000.

(c) WASTE MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,341,641,000, to be allocated as follows:

(1) For operation and maintenance, $2,121,256,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $220,330,000, to be allocated as follows:

Project GPD–171, general plant projects, various locations, $15,728,000.

Project 96–D–400, replace industrial waste piping, Kansas City Plant, Kansas City, Missouri, $200,000.

Project 96–D–401, comprehensive treatment and management plan immobilization of miscellaneous wastes, Rocky Flats Environmental Technology Site, Golden, Colorado, $1,400,000.

Project 96–D–402, comprehensive treatment and management plan building 374/774 sludge immobilization, Rocky Flats Environmental Technology Site, Golden, Colorado, $1,500,000.

Project 96–D–403, tank farm service upgrades, Savannah River, South Carolina, $3,315,000.

Project 96–D–405, T-plant secondary containment and leak detection upgrades, Richland, Washington, $2,100,000.

Project 96–D–406, K-Basin operations program, Richland, Washington, $41,000,000.

Project 96–D–409, advanced mixed waste treatment facility, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 96–D–410, specific manufacturing characterization facility assessment and upgrade, Idaho National Engineering Laboratory, Idaho, $2,000,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, New Mexico, $4,314,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Y–12 Plant, Oak Ridge, Tennessee, $4,600,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada Test Site, Nevada, $1,023,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,445,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $282,000.

Project 94–D–404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $11,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $9,400,000.

Project 94–D–411, solid waste operations complex project, Richland, Washington, $5,500,000.

Project 94–D–417, intermediate-level and low-activity waste vaults, Savannah River, South Carolina, $2,704,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $19,795,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $31,000,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $34,700,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,105,000.

Project 92–D–188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, $1,100,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $2,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,428,000.

Project 90–D–178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho, $2,606,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $11,500,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $8,885,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $1,000,000.

(d) TECHNOLOGY DEVELOPMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $550,465,000.

(e) TRANSPORTATION MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $16,158,000.

(f) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,596,028,000, to be allocated as follows:

(1) For operation and maintenance, $1,463,384,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $132,644,000, to be allocated as follows:

Project GPD–171, general plant projects, various locations, $14,724,000.

Project 96–D–458, site drainage control, Mound Plant, Miamisburg, Ohio, $885,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $1,539,000.

Project 96–D–462, health physics instrument laboratory, Idaho National Engineering Laboratory, Idaho, $1,126,000.

Project 96–D–463, central facilities craft shop, Idaho National Engineering Laboratory, Idaho, $724,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,952,000.

Project 96–D–465, 200 area sanitary sewer system, Richland, Washington, $1,800,000.

Project 96–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $3,500,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $1,500,000.

Project 96–D–472, plant engineering and design, Savannah River Site, Aiken, South Carolina, $4,000,000.

Project 96–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $2,000,000.

Project 96–D–474, dry fuel storage facility, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 96–D–475, high level waste volume reduction demonstration (pentaborane), Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River, South Carolina, $2,900,000.

Project 95–D–156, radio trunking system, Savannah River, South Carolina, $10,000,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 95–D–456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $8,382,000.

Project 94–D–122, underground storage tanks, Rocky Flats, Golden, Colorado, $5,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,074,000.

Project 94–D–412, 300 area process sewer piping system upgrade, Richland, Washington, $1,000,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $3,601,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $2,940,000.

Project 93–D–147, domestic water system upgrade, Phase I and II, Savannah River, South Carolina, $7,130,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $124,000.

Project 92–D–123, plant fire/security alarms system replacement, Rocky Flats Plant, Golden, Colorado, $9,560,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $7,000,000.

Project 92–D–181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,883,000.

Project 91–D–127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $2,800,000.

(g) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $81,251,000, to be allocated as follows:

(1) For operation and maintenance, $66,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), $15,000,000:

Project 95–E–600, hazardous materials training center, Richland, Washington.

(h) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $80,022,000.

(i) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (h) reduced by the sum of—

(1) $276,942,000, for use of prior year balances; and

(2) $37,000,000 for recovery of overpayment to the Savannah River Pension Fund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of $1,408,162,000, to be allocated as follows:

(1) For verification and control technology, $430,842,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $226,142,000.

(B) For arms control, $162,364,000.

(C) For intelligence, $42,336,000.

(2) For nuclear safeguards and security, $83,395,000.

(3) For security investigations, $25,000,000.

(4) For security evaluations, $14,707,000.

(5) For the Office of Nuclear Safety, $15,050,000.

(6) For worker and community transition, $100,000,000.

(7) For fissile materials disposition, $70,000,000.

(8) For naval reactors development, $682,168,000, to be allocated as follows:

(A) For operation and infrastructure, $659,168,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $23,000,000, to be allocated as follows:

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $11,300,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $4,800,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,000,000.

(b) ADJUSTMENT.—The total amount that may be appropriated pursuant to this section is the total amount authorized to be appropriated in subsection (a) reduced by $13,000,000, for use of prior year balances.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $198,400,000.

SEC. 3105. PAYMENT OF PENALTIES ASSESSED AGAINST ROCKY FLATS SITE.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties in the amount of $350,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site, Golden, Colorado.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be

merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated under sections 3101, 3102, and 3103 for advance planning and construction design, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121 of this title, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. TRITIUM PRODUCTION.

(a) TRITIUM PRODUCTION.—Of the funds authorized to be appropriated to the Department of Energy under section 3101, not more than $50,000,000 shall be available to conduct an assessment of alternative means of ensuring that the tritium production of the Department of Energy is adequate to meet the tritium requirements of the Department of Defense. The assessment shall include an assessment of various types of reactors and an accelerator.

(b) LOCATION OF NEW TRITIUM PRODUCTION FACILITY.—The Secretary of Energy shall locate the new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.

(c) TRITIUM TARGETS.—Of the funds authorized to be appropriated to the Department of Energy under section 3101, not more than $5,000,000 shall be available for the Idaho National Engineering Laboratory for the test and development of nuclear reactor tritium targets for the various types of reactors to be assessed by the Department under subsection (a).

SEC. 3132. FISSILE MATERIALS DISPOSITION.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3103(a)(7), $70,000,000 shall be available only for purposes of completing the evaluation of, and commencing implementation of, the interim- and long-term storage and disposition of fissile materials (including plutonium, highly enriched uranium, and other fissile materials) that are excess to the national security needs of the United States, of which $10,000,000 shall be available for plutonium resource assessment on a competitive basis by an appropriate university consortium.

SEC. 3133. TRITIUM RECYCLING.

(a) IN GENERAL.—Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

(1) All tritium recycling for weapons, including tritium refitting.

(2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) EXCEPTION.—The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

(1) Research on tritium.

(2) Work on tritium in support of the defense inertial confinement fusion program.

(3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

SEC. 3134. MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF ENDURING NUCLEAR WEAPONS STOCKPILE.

(a) MANUFACTURING PROGRAM.—The Secretary of Energy shall carry out a program for purposes of establishing within the Government a manufacturing infrastructure that has the following capabilities as specified in the Nuclear Posture Review:

(1) To develop a stockpile surveillance engineering base.

(2) To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.

(3) To design, fabricate, and certify new nuclear warheads, as necessary.

(4) To support nuclear weapons.

(5) To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(b) REQUIRED CAPABILITIES.—The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

(1) The weapons assembly capabilities of the Pantex Plant.

(2) The weapon secondary fabrication capabilities of the Y–12 Plant, Oak Ridge, Tennessee.

(3) The tritium production and recycling capabilities of the Savannah River Site.

(4) A weapon primary pit refabrication/manufacturing and reuse facility capability at Savannah River Site (if required for national security purposes).

(5) The non-nuclear component capabilities of the Kansas City Plant.

(c) NUCLEAR POSTURE REVIEW.—For purposes of subsection (a), the term ''Nuclear Posture Review'' means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.

(d) FUNDING.—Of the funds authorized to be appropriated under section 3101(b), $143,000,000 shall be available for carrying out the program required under this section, of which—

(1) $35,000,000 shall be available for activities at the Pantex Plant;

(2) $30,000,000 shall be available for activities at the Y–12 Plant, Oak Ridge, Tennessee;

(3) $35,000,000 shall be available for activities at the Savannah River Site; and

(4) $43,000,000 shall be available for activities at the Kansas City Plant.

SEC. 3135. HYDRONUCLEAR EXPERIMENTS.

Of the funds authorized to be appropriated to the Department of Energy under section 3101, $50,000,000 shall be available for preparation for the commencement of a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada Test Site which program shall be for the purpose of maintaining confidence in the reliability and safety of the enduring nuclear weapons stockpile.

SEC. 3136. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—The Secretary of Energy shall conduct a fellowship program for the

development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the fellowship program, the Secretary shall—

(1) provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the Department of Energy nuclear weapons complex;

(2) employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or

(3) provide eligible individuals with the assistance and the employment.

(b) ELIGIBLE INDIVIDUALS.—Individuals eligible for participation in the fellowship program are the following:

(1) Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.

(2) Individuals engaged in postdoctoral studies in such fields.

(c) COVERED FACILITIES.—The Secretary shall carry out the fellowship program at or in connection with the following facilities:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Pantex Plant, Amarillo, Texas.

(3) The Y–12 Plant, Oak Ridge, Tennessee.

(4) The Savannah River Site, Aiken, South Carolina.

(d) ADMINISTRATION.—The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) ALLOCATION OF FUNDS.—The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), $10,000,000 may be used for the purpose of carrying out the fellowship program under this section.

SEC. 3137. EDUCATION PROGRAM FOR DEVELOPMENT OF PERSONNEL CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—The Secretary of Energy shall conduct an education program to ensure the long-term supply of personnel having skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the program, the Secretary shall provide—

(1) education programs designed to encourage and assist students in study in the fields of math, science, and engineering that are critical to maintaining the nuclear weapons complex;

(2) programs that enhance the teaching skills of teachers who teach students in such fields; and

(3) education programs that increase the scientific understanding of the general public in areas of importance to the nuclear weapons complex and to the Department of Energy national laboratories.

(b) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(a), $10,000,000 may be used for the purpose of carrying out the education program under this section.

SEC. 3138. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

Funds appropriated or otherwise made available to the Department of Energy for fiscal year 1996 under section 3101 may be obligated and expended for activities under the Department of Energy Laboratory Directed Research and Development Program or under Department of Energy technology transfer programs only if such activities support the national security mission of the Department.

SEC. 3139. PROCESSING OF HIGH LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) ELECTROMETALLURGICAL PROCESSING ACTIVITIES.—Of the amount authorized to be appropriated to the Department of Energy under section 3102, not more than $2,500,000 shall be available for electrometallurgical processing activities at the Idaho National Engineering Laboratory.

(b) PROCESSING OF SPENT NUCLEAR FUEL RODS AT SAVANNAH RIVER SITE.—Of the amount authorized to be appropriated to the Department of Energy under section 3102, $30,000,000 shall be available for operating and maintenance activities at the Savannah River Site, which amount shall be available for the development at the canyon facilities at the site of technological methods (including plutonium processing and reprocessing) of separating, reducing, isolating, and storing the spent nuclear fuel rods that are sent to the site from other Department of Energy facilities and from foreign facilities.

(c) PROCESSING OF SPENT NUCLEAR FUEL RODS AT IDAHO NATIONAL ENGINEERING LABORATORY.—Of the amount authorized to be appropriated to the Department of Energy under section 3102, $15,000,000 shall be available for operating and maintenance activities at the Idaho National Engineering Laboratory, which amount shall be available for the development of technological methods of processing the spent nuclear fuel rods that will be sent to the laboratory from other Department of Energy facilities.

(d) SPENT NUCLEAR FUEL DEFINED.—In this section, the term ''spent nuclear fuel'' has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

SEC. 3140. DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE.

Of the funds authorized to be appropriated to the Department of Energy under section 3103, $3,000,000 shall be available for the Declassification Productivity Initiative of the Department of Energy.

SEC. 3141. AUTHORITY TO REPROGRAM FUNDS FOR DISPOSITION OF CERTAIN SPENT NUCLEAR FUEL.

(a) AUTHORITY TO REPROGRAM.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Energy may reprogram funds available to the Department of Energy for fiscal year 1996 under section 3101(b) or 3102(b) to make such funds available for use for storage pool treatment and stabilization or for canning and storage in connection with the disposition of spent nuclear fuel in the Democratic People's Republic of Korea, which treatment and stabilization or canning and storage is—

(1) necessary in order to meet International Atomic Energy Agency safeguard standards with respect to the disposition of spent nuclear fuel; and

(2) conducted in fulfillment of the Nuclear Framework Agreement between the United States and the Democratic People's Republic of Korea dated October 21, 1994.

(b) LIMITATION.—The total amount that the Secretary may reprogram under the authority in subsection (a) may not exceed $5,000,000.

(c) DEFINITION.—In this section, the term ''spent nuclear fuel'' has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

SEC. 3142. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated to the Department of Energy under section 3102, $10,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

Subtitle D—Review of Department of Energy National Security Programs

SEC. 3151. REVIEW OF DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) REPORT.—Not later than March 15, 1996, the Secretary of Defense shall, in consultation with the Secretary of Energy, submit to the congressional defense committees a report on the national security programs of the Department of Energy.

(b) CONTENTS OF REPORT.—The report shall include an assessment of the following:

(1) The effectiveness of the Department of Energy in maintaining the safety and reliability of the enduring nuclear weapons stockpile.

(2) The management by the Department of the nuclear weapons complex, including—

(A) a comparison of the Department of Energy's implementation of applicable environmental, health, and safety requirements with the implementation of similar requirements by the Department of Defense; and

(B) a comparison of the costs and benefits of the national security research and development programs of the Department of Energy with the costs and benefits of similar programs sponsored by the Department of Defense.

(3) The fulfillment of the requirements established for the Department of Energy in the Nuclear Posture Review.

(c) DEFINITION.—In this section, the term ''Nuclear Posture Review'' means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

Subtitle E—Other Matters

SEC. 3161. RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

The Office of Military Applications under the Assistant Secretary of Energy for Defense Programs shall retain responsibility for the Defense Programs Emergency Response Program within the Department of Energy.

SEC. 3162. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1996.

(a) IN GENERAL.—The weapons activities budget of the Department of Energy shall be developed in accordance with the Nuclear Posture Review, the Post Nuclear Posture Review Stockpile Memorandum currently under development, and the programmatic and technical requirements associated with the review and memorandum.

(b) REQUIRED DETAIL.—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code, a long-term program plan, and a near-term program plan, for the certification and stewardship of the enduring nuclear weapons stockpile.

(c) DEFINITION.—In this section, the term ''Nuclear Posture Review'' means the Department of Defense Nuclear Posture Review

as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

SEC. 3163. REPORT ON PROPOSED PURCHASES OF TRITIUM FROM FOREIGN SUPPLIERS.

(a) REQUIREMENT.—Not later than May 30, 1997, the President shall submit to the congressional defense committees a report on any plans of the President to purchase from foreign suppliers tritium to be used for purposes of the nuclear weapons stockpile of the United States.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 3164. REPORT ON HYDRONUCLEAR TESTING.

(a) REPORT.—The Secretary of Energy shall direct the joint preparation by the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory of a report on the advantages and disadvantages for the safety and reliability of the enduring nuclear weapons stockpile of permitting alternative limits to the current limits on the explosive yield of hydronuclear tests. The report shall address the following explosive yield limits:

(1) 4 pounds (TNT equivalent).

(2) 400 pounds (TNT equivalent).

(3) 4,000 pounds (TNT equivalent).

(4) 40,000 pounds (TNT equivalent).

(b) FUNDING.—The Secretary shall make available funds authorized to be appropriated to the Department of Energy under section 3101 for preparation of the report required under subsection (a).

SEC. 3165. PLAN FOR THE CERTIFICATION AND STEWARDSHIP OF THE ENDURING NUCLEAR WEAPONS STOCKPILE.

(a) REQUIREMENT.—Not later than March 15, 1996, and every March 15 thereafter, the Secretary of Energy shall submit to the Secretary of Defense a plan for maintaining the enduring nuclear weapons stockpile.

(b) PLAN ELEMENTS.—Each plan under subsection (a) shall set forth the following:

(1) The numbers of weapons (including active weapons and inactive weapons) for each type of weapon in the enduring nuclear weapons stockpile.

(2) The expected design lifetime of each weapon system type, the current age of each weapon system type, and any plans (including the analytical basis for such plans) for lifetime extensions of a weapon system type.

(3) An estimate of the lifetime of the nuclear and non-nuclear components of the weapons (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile, and any plans (including the analytical basis for such plans) for lifetime extensions of such components.

(4) A schedule of the modifications, if any, required for each weapon type (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile, and the cost of such modifications.

(5) The process to be used in recertifying the safety, reliability, and performance of each weapon type (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile.

(6) The manufacturing infrastructure required to maintain the nuclear weapons stockpile stewardship management program.

EXON (AND OTHERS) AMENDMENT NO. 2112

Mr. EXON (for himself, Mr. HATFIELD, Mr. DASCHLE, Mr. LEVIN, Mr. BINGAMAN, Mr. GLENN, Mr. HARKIN, Mr. SIMON, Mr. KERREY, Mr. KENNEDY, Mr. WELLSTONE, and Mr. BUMPERS) proposed an amendment to the bill S. 1026, supra; as follows:

On page 33 of the underlying amendment, strike out Section 3135, lines 11 through 19.

REID (AND BRYAN) AMENDMENT NO. 2113

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to amendment No. 2111 proposed by Mr. THURMOND to the bill S. 1026, supra; as follows:

On page 29 of the amendment, strike lines 18 through 21.

THURMOND AMENDMENT NO. 2114

Mr. THURMOND proposed an amendment to amendment No. 2111 proposed by him to the bill S. 1026, supra; as follows:

Page 8, line 17 strike out ''$2,341,596,000'' and substitute in lieu thereof ''$2,386,596,000''.

Page 8, line 20 strike out ''$2,121,226,000'' and substitute in lieu thereof ''$2,151,266,000''.

Page 9, line 1 strike out ''$220,330,000'' and substitute in lieu thereof ''$235,330,000''.

Page 9, line 25 strike out ''$26,000,000'' and substitute in lieu thereof ''$41,000,000''.

Page 13, line 6 strike out ''$550,510,000'' and substitute in lieu thereof ''$505,510,000''.

BUMPERS (AND OTHERS) AMENDMENT NO. 2115

Mr. BUMPERS (for himself, Mr. SIMON, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, and Mr. FEINGOLD) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . REPEAL OF DEFENSE FIREWALL.

(A) Strike Section 201(a) through 201(b)(1)(B) of H. Con. Res. 67, as passed by both houses of Congress and insert in lieu thereof the following:

SEC. 201. DISCRETIONARY SPENDING LIMITS.

(a) DEFINITION.—As used in this section and for the purposes of allocations made pursuant to section 302(a) or 602(a) of the Congressional Budget Act of 1974, for the discretionary category, the term ''discretionary spending limit'' means—

(1) with respect to fiscal year 1996, for the discretionary category $485,074,000,000 in new budget authority and $531,768,000,000 in outlays;

(2) with respect to fiscal year 1997, for the discretionary category $482,430,000,000 in new budget authority and $520,295,000,000 in outlays;

(3) with respect to fiscal year 1998, for the discretionary category $490,692,000,000 in new budget authority and $512,632,000,000 in outlays;

(4) with respect to fiscal year 1999, for the discretionary category $482,207,000,000, in new budget authority and $510,482,000,000 in outlays;

(5) with respect to fiscal year 2000, for the discretionary category $489,379,000,000, in new budget authority and $514,234,000,000 in outlays;

(6) with respect to fiscal year 2001, for the discretionary category $496,601,000,000 in new budget authority and $516,403,000,000 in outlays;

(7) with respect to fiscal year 2002, for the discretionary category $498,837,000,000 in new budget authority and $515,075,000,000 in outlays;

as adjusted for changes in concepts and definitions and emergency appropriations.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) any concurrent resolution on the budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit for such fiscal year; or

(B) Within 30 days of the date of enactment of this Act, the House and Senate Appropriations Committee shall meet to consider the reallocation of the fiscal year 1996 suballocations made pursuant to section 602(b) of the Congressional Budget Act of 1974.

MCCAIN AMENDMENT NO. 2116

Mr. MCCAIN proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the Act, add the following new section:

SEC. . CIVILIAN SPORTING EVENTS.

(a) No funds made available to the Department of Defense may be expended either directly or indirectly to support civilian sporting events, including but not limited to the World Cup Soccer Games, the Goodwill Games, and the Olympics, until the Secretary of Defense enters into an agreement with the appropriate entity of affiliated entity or entities and certifies that such funds will be reimbused to the extent available to the Department under terms and conditions established by the Secretary of Defense, and that such terms shall

(1) not mandate any reimbursement until after the event is complete and all event-related contactual obligations have been met by the entity; and

(2) such reimbursement shall not exceed surplus funds available.

(b) For the purposes of this Section, paragraph (a) shall be null and void and of no effect if the entity or entities with which the agreement was made have no surplus funds after all other contractual obligations have been met.

(c) SURPLUS FUNDS DEFINED.—For the purposes of this section, the term ''surplus funds'', with respect to an organization sponsoring a sporting event, means the amount equal to the excess of—

(1) the total amount of the funds received by the organization for the event other than revenues derived for any tax, over

(2) the total amount expended by the organization for payment of all of the costs under the organization's contractual obligations (other than an agreement entered into with the Secretary of Defense under this section) that relate to the event.

BOXER (AND OTHERS) AMENDMENT NO. 2117

Mrs. BOXER (for herself, Mr. HARKIN, and Mr. BRADLEY) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 189, strike out line 5 and all that follows through page 191, line 21, and insert in lieu thereof the following:

SEC. 526. FORFEITURE OF PAY AND ALLOWANCES AND REDUCTION IN GRADE.

(a) EFFECTIVE DATE OF PUNISHMENTS.—Section 857(a) (article 57(a)) is amended to read as follows:

''(a)(1) Any forfeiture of pay, forfeiture of allowances, or reduction in grade included in a sentence of a court-martial takes effect on the earlier of—

''(A) the date that is 14 days after the date on which the sentence is adjudged; or

''(B) the date on which the sentence is approved by the convening authority.

''(2) On application by an accused, the convening authority may defer any forfeiture of pay, forfeiture of allowances, or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. The deferment may be rescinded at any time by the convening authority.

''(3) A forfeiture of pay or allowances shall be collected from pay accruing on and after the date on which the sentence takes effect under paragraph (1). Periods during which a sentence to forfeiture of pay or forfeiture of allowances is suspended or deferred shall be excluded in computing the duration of the forfeiture.

''(4) In this subsection, the term 'convening authority', with respect to a sentence of a court-martial, means any person authorized to act on the sentence under section 860 of this title (article 60).''.

(b) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR ONE YEAR OR MORE.—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following new section (article):

''§ 858b. Art. 58b. Sentences: forfeiture of pay and allowances

''(a) A sentence adjudged by a court-martial that includes confinement for one year or more, death, dishonorable discharge, bad-conduct discharge, or dismissal shall result in the forfeiture of all pay and allowances due that member during any period of confinement or parole. The forfeiture required by this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred in accordance with that section.

''(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.''.

''(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VIII of such chapter is amended by adding at the end the following new item:

''858b. 58b. Sentences: forfeiture of pay and allowances.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

COHEN (AND OTHERS) AMENDMENT NO. 2118

Mr. COHEN (for himself, Mr. LEVIN, Mr. ROTH, Mr. GLENN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

At the end of the bill, add the following:

DIVISION D—INFORMATION TECHNOLOGY MANAGEMENT REFORM

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Information Technology Management Reform Act of 1995''.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) Federal information systems are critical to the lives of every American.

(2) The efficiency and effectiveness of the Federal Government is dependent upon the effective use of information.

(3) The Federal Government annually spends billions of dollars operation obsolete information systems.

(4) The use of obsolete information systems severely limits the quality of the services that the Federal Government provides, the efficiency of Federal Government operations, and the capabilities of the Federal Government to account for how taxpayer dollars are spent.

(5) The failure to modernize Federal Government information systems and the operations they support, despite efforts to do so, has resulted in the waste of billions of dollars that cannot be recovered.

(6) Despite improvements achieved through implementation of the Chief Financial Officers Act of 1990, most Federal agencies cannot track the expenditures of Federal dollars and, thus, expose the taxpayers to billions of dollars in waste, fraud, abuse, and mismanagement.

(7) Poor planning and program management and an overburdened acquisition process have resulted in the American taxpayers not getting their money's worth from the expenditure of $200,000,000,000 on information systems during the decade preceding the enactment of this Act.

(8) The Federal Government's investment control processes focus too late in the system lifecycle, lack sound capital planning, and pay inadequate attention to business process improvement, performance measurement, project milestones, or benchmarks against comparable organizations.

(9) Many Federal agencies lack adequate personnel with the basic skills necessary to effectively and efficiently use information technology and other information resources in support of agency programs and missions.

(10) Federal regulations governing information technology acquisitions are outdated, focus on paperwork and process rather than results, and prevent the Federal Government from taking timely advantage of the rapid advances taking place in the competitive and fast changing global information technology industry.

(11) Buying, leasing, or developing information systems should be a top priority for Federal agency management because the high potential for the systems to substantially improve Federal Government operations, including the delivery of services to the public.

(12) Structural changes in the federal government, including elimination of the Brooks Act (Section 111 of the Federal Property and Administrative Services Act of 1949), are necessary in order to improve Federal information management and to facilitate Federal Government acquisition of the state-of-the-art information technology that is critical for improving the efficiency and effectiveness of Federal Government operations.

SEC. 4003. PURPOSES.

The purposes of this division are as follows:

(1) To create incentives for the Federal Government to strategically use information technology in order to achieve efficient and effective operations of the Federal Government, and to provide cost effective and efficient delivery of Federal Government services to the taxpayers.

(2) To provide for the cost effective and timely acquisition, management, and use of effective information technology solutions.

(3) To transform the process-oriented procurement system of the Federal Government, as it relates to the acquisition of information technology, into a results-oriented procurement system.

(4) To increase the responsibility and authority of officials of the Office of Management and Budget and other Federal Government agencies, and the accountability of such officials to Congress and the public, in the use of information technology and other information resources in support of agency missions.

(5) To ensure that Federal Government agencies are responsible and accountable for achieving service delivery levels and project management performance comparable to the best in the private sector.

(6) To promote the development and operation of multiple-agency and Government wide, inter-operable, shared information resources to support the performance of Federal Government missions.

(7) To reduce fraud, waste, abuse, and errors resulting from a lack of, or poor implementation of, Federal Government information systems.

(8) To increase the capability of the Federal Government to restructure and improve processes before applying information technology.

(9) To increase the emphasis placed by Federal agencies managers on completing effective capital planning and process improvement before applying information technology to the execution of plans and the performance of agency missions.

(10) To coordinate, integrate, and, to the extent practicable, establish uniform Federal information resources management policies and practices in order to improve the productivity, efficiency, and effectiveness of Federal Government programs and the delivery of services to the public.

(11) To strengthen the partnership between the Federal Government and State, local, and tribal governments for achieving Federal Government missions, goals, and objectives.

(12) To provide for the development of a well-trained core of professional Federal Government information resources managers.

(13) To improve the ability of agencies to share expertise and best practices and coordinate the development of common application systems and infrastructure.

SEC. 4004. DEFINITIONS.

In this division:

(1) INFORMATION RESOURCES.—The term ''information resources'' means information and related resources such as personnel, equipment, funds, and information technology, but does not include information resources which support national security systems.

(2) INFORMATION RESOURCES MANAGEMENT.—The term ''information resources management'' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public.

(3) INFORMATION SYSTEM.—The term ''information system'' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information.

(4) INFORMATION TECHNOLOGY.—The term ''information technology'', with respect to an executive agency—

(A) means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency or under a contract with the executive agency which (i) requires the use of such system or subsystem of equipment, or (ii) requires the use, to a significant extent, of such system or subsystem of equipment in the performance of a service or the furnishing of a product; and includes computers; ancillary equipment; software, firmware and similar procedures; services, including support services; and related resources;

(B) does not include any such equipment that is acquired by a Federal contractor incidental to a Federal contract; and

(C) does not include information technology contained in national security systems.

(5) EXECUTIVE DEPARTMENT.—The term ''executive department'' means an executive department specified in section 101 of title 5, United States Code.

(6) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(7) COMMERCIAL ITEM.—The term ''commercial item'' has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(8) NONDEVELOPMENTAL ITEM.—The term ''Nondevelopmental item'' has the meaning given that term in section 4(13) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(13)).

(9) INFORMATION ARCHITECTURE.—The term ''information architecture'', with respect to an executive agency, means a framework or plan for evolving or maintaining existing information technology, acquiring new information technology, and integrating the agency's information technology to achieve the agency's strategic goals and information resources management goals.

(10) NATIONAL SECURITY SYSTEMS.—The term ''national security systems'' are those telecommunications and information systems operated by the United States Government, the function, operation, or use of which: 1) involve intelligence activities; 2) involve cryptologic activities related to national security; 3) involves the command and control of military forces; 4) involves equipment that is an integral part of a weapon or weapons system; or 5) is critical to the direct fulfillment of military or intelligence missions, but does not include systems to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

(11) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

SEC. 4005. APPLICATIONS OF EXCLUSIONS

IN GENERAL.—The exclusions for national security systems provided in section 4004 of the division apply only in title XLI of this division unless otherwise provided in that title.

TITLE XLI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SUBTITLE A—GENERAL AUTHORITY

SEC. 4101. AUTHORITY OF HEADS OF EXECUTIVE AGENCIES.

The heads of the executive agencies may conduct acquisitions of information technology pursuant to their respective authorities.

SEC. 4102. REPEAL OF CENTRAL AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is repealed.

SUBTITLE B—DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

SEC. 4121. RESPONSIBILITY OF DIRECTOR.

(a) In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the Director shall comply with this subtitle with respect to the specific matters covered by this subtitle.

(b) This subtitle shall sunset on September 30, 2001, after which the Director may continue to comply with this subtitle.

SEC. 4122. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) With respect to the responsibilities under section 3504(h) of title 44, United States Code, the Director shall—

(1) promote and be responsible for improving the acquisition, use and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public;

(2) Develop, as part of the budget process, a process for analyzing, tracking and evaluating the risk and results of all major agency capital investments or information systems over the life of the system;

(A) The process should identify opportunities for interagency cooperation, ensure the success of high risk and high return investments, but not duplicate or supplant existing agency investment development and control processes.

(B) The process should include development of explicit criteria for analyzing the projected and actual cost, benefit and risk of information systems investments. As part of the process three categories of information systems investments should be identified:

(1) HIGH RISK.—those projects that, by virtue of their size, complexity, use of innovative technology or other factors have an especially high risk of failure

(2) HIGH RETURN.—those projects that, by virtue of their total potential benefits in proportion to their costs, have particularly unique value to the public

(3) CROSSCUTTING.—those projects of individual agencies with shared benefit to or impact on other federal agencies and state or local governments that require enforcement of operational standards or elimination of redundancies.

(C) Each annual budget submission shall include a report to Congress on the net program performance benefits achieved by major information systems investments and how these benefits support the accomplishment of agency goals.

(D) This process shall be performed with the assistance of and advice from the Chief Information Officers Council and appropriate interagency functional groups.

(E) The process shall ensure that agency information resources management plans are integrated into agency's program plans and budgets for acquisition and use of information technology to improve agency performance and the accomplishment of agency missions.

(3) in consultation with the Director of the National Institute of Standards and Technology, oversee the development and implementation of information technology standards by the Secretary of Commerce under section 4 of Public Law 100–235;

(4) designate (as the Director considers appropriate) one or more heads of executive agencies as an executive agent to contract for Government wide acquisition of information technology;

(5) encourage the executive agencies to develop and use the best practices in the acquisition of information technology by—

(A) identifying and collecting information regarding the best practices, including information on the development and implementation of the best practices by the executive agencies; and

(B) providing the executive agencies with information on the best practices and with advice and assistance regarding use of the best practices.

(6) assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology;

(7) compare the performances of the executive agencies in using information technology and disseminate the comparisons to the executive agencies;

(8) monitor the development and implementation of training in the management of information technology for executive agency management personnel and staff;

(9) keep Congress fully informed on the extent to which the executive agencies are improving program performance and the accomplishment of agency missions through the use of the best practices in information technology;

(10) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy; and

(11) seek and give due weight to the advice given by the Chief Information Officer's Council or interagency functional groups regarding the performance of any responsibility of the Director under this subsection.

(b) The heads of executive agencies shall apply the Office of Management and Budget's guidelines promulgated pursuant to this section to national security systems only to the maximum extent practicable.

SEC. 4123. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT.

The Director shall encourage performance and results based management in fulfilling the responsibilities assigned under section 3504(h), of title 44, United States Code.

(a) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

(1) REQUIREMENT.—The Director of the Office of Management and Budget shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the information technology investments of executive agencies.

(2) CONSIDERATION OF ADVICE AND RECOMMENDATIONS.—In performing the evaluation, the Director shall consider any advice and recommendations provided by the Chief Information Officers Council or any interagency functional group.

(b) GUIDANCE.—The Director shall issue clear and concise guidance to ensure that—

(1) an agency and its major subcomponents institutes effective and efficient capital planning processes to select, control and evaluate the results of all its major information systems investments;

(2) an agency determines, prior to making investments in new information systems—

(A) whether the function to be supported should be performed in the private sector rather than by an agency of the Federal Government and, if so, whether the component of the agency performing that function should be converted from a governmental organization to a private sector organization; or

(B) whether the function should be performed by the executive agency and, if so, whether the function should be performed by private sector source under a contract entered into by head of the executive agency or executive agency personnel;

(3) the agency analyzes its missions and, based on the analysis, revises its mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of agency missions;

(4) the agency's information resources management plan is current and adequate and, to the maximum extent practicable, specifically identifies how information technology to be acquired is expected to improve agency operations and otherwise benefit the agency;

(5) agency information security is adequate;

(6) the agency—

(A) provides adequately for the integration of the agency's information resources management plans, strategic plans prepared pursuant to section 306 of title 5, United States code, and performance plans prepared pursuant to section 1115 of title 31, United States Code; and

(B) budgets for the acquisition and use of information technology; and

(7) efficient and effective interagency and Governmentwide information technology investments are undertaken to improve the accomplishment of common agency missions.

(c) PERIODIC REVIEWS.—The Director shall ensure that selected information resources management activities of the executive agencies are periodically reviewed in order to ascertain the efficiency and effectiveness of information technology in improving agency performance and the accomplishments of agency missions.

(d) ENFORCEMENT OF ACCOUNTABILITY.—

(1) IN GENERAL.—The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability under this title in an Executive agency.

(2) SPECIFIC ACTIONS.—Actions taken by the Director in the case of an Executive agency may include—

(A) recommending a reduction or an increase in the amount proposed by the head of the executive agency to be included for information resources in the budget submitted to Congress under section 1105(a) of title 31, United States Code;

(B) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;

(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and

(D) designating for the Executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

(e) The heads of executive agencies shall apply the Office of Management and Budget guidelines promulgated pursuant to this section to national security systems only to the maximum extent practicable. This subsection does not apply to subparagraphs (d)(1) or (d)(2)(A), (B), or (C).

SEC. 4124. INTEGRATION WITH INFORMATION RESOURCE MANAGEMENT RESPONSIBILITIES

In undertaking activities and issuing guidance in accordance with this subtitle, the Director shall promote the integration of information technology management with the broader information resource management processes in the agencies.

SUBTITLE C—EXECUTIVE AGENCIES

SEC. 4131. RESPONSIBILITIES.

(a) In fulfilling the responsibilities assigned under chapter 35 of title 44, United States Code, the head of each executive agency shall comply with this subtitle with respect to the specific matters covered by this subtitle.

(b) This subtitle shall sunset on September 30, 2001, after which the head of each executive agency may continue to comply with this subtitle.

(c) Guidance issued by the Director in accordance with subtitle B of this title shall sunset on September 30, 2001, unless the Director determines it should continue in effect pursuant to Sec. 4121(b) of this division, and notifies the Congress and the agencies of that intent by March 31, 2001.

SEC. 4132. CAPITAL PLANNING AND INVESTMENT CONTROL.

IN GENERAL.—(a) In fulfilling the responsibilities assigned under Section 3506(h) of title 44, U.S. Code, the head of each executive agency shall design and apply in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the agency.

(b) The process shall—

(1) provide for the selection, control, and evaluation of the results of information technology investments of the agency;

(2) be integrated with budget, financial, and program management decisions of the agency;

(3) include minimum criteria for considering an information systems investment—to include a quantitative assessment of projected net, risk-adjusted return on investment—as well as explicit criteria, both quantitative and qualitative, for comparing and prioritizing alternative information systems investment projects;

(4) identify information systems investments with share benefits to or impact on other federal agencies and state or local governments that require enforcement of operational standards or elimination of redundancies;

(5) provide for clearly identifying in advance of the proposed investment of quantifiable measurements for determining the net benefits and risks;

(6) provide senior management with timely information regarding the progress of information systems initiatives against measurable, independently-verifiable milestones, including cost, ability to meet specified requirements, timeliness, and quality.

(c) This section applies to national security systems except for subsection (b).

SEC. 4133. PERFORMANCE AND RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

(2) prepare an annual report, to be included in the budget submission for the executive agency, on the progress in achieving the goals;

(3) ensure that—

(A) the agency determines—

(i) whether the function should be performed in the private sector rather than by an agency of the Federal Government and, if so, whether the component of the agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under a contract entered into by head of the executive agency or executive agency personnel;

(B) the agency—

(i) provides adequately for the integration of the agency's information resources management plans, strategic plans prepared pursuant to section 306 of title 5, United States Code, and performance plans prepared pursuant to section 1115 of title 31, United States Code; and

(ii) budgets for the acquisition and use of information technology;

(4) ensure that performance measurements are prescribed for information technology used by or to be acquired for the executive agency and that the performance measurements measure how well the information technology supports agency programs;

(5) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(6) analyze its missions and, based on the analysis, revises its mission-related processes and administrative processes as appropriate before making significant investments in information technology to be used in support of agency missions;

(7) ensure that the agency's information resources management plan is current and adequate and, to the maximum extent practicable, specifically identifies how information technology to be acquired is expected to improve agency operations and otherwise expected to benefit the agency;

(8) ensure that efficient and effective interagency and Governmentwide information technology investments are undertaken to improve the accomplishment of common agency missions; and

(9) ensure that an agency's information security is adequate.

(b) This section applies to national security systems except for subparagraph (3)(A).

SEC. 4134. SPECIFIC AUTHORITY.

(a) IN GENERAL.—The authority of the head of an executive agency under section 4101 and the authorities referred to in such section includes but is not limited to the following authorities:

(1) To acquire information technology as authorized by law—

(2) To enter into a contract that provides for multi-agency acquisitions of information technology subject to the approval and guidance of the Director.

(3) If the Director, based on advice from the Chief Information Officers Council or interagency functional groups, finds that it would be advantageous for the Federal Government to do so, to enter into a multi-agency contract for procurement of commercial items that requires each agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(4) To establish and support one or more independent technical review committees, composed of diverse agency personnel (including users) and outside experts selected by the head of the executive agency, to advise the head of the executive agency about information systems programs.

(b) FTS 2000 PROGRAM.—Notwithstanding any other provision of this or any other law, the General Services Administration shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf and with the advice of the Federal agencies.

SEC. 4135. AGENCY CHIEF INFORMATION OFFICER.

(a) DEPRESSION OF CHIEF INFORMATION OFFICERS.—Section 3506(a) of title 44, United

States Code, is amended by striking out ''senior official'' wherever it appears and inserting in lieu thereof ''Chief Information Officer; and by striking out ''official'' wherever it appears and inserting in lieu thereof ''Officer.''

(b) In General.—The chief information officer of an executive agency shall be responsible for

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the agency in a manner that implements the policies and procedures of this division and the priorities established by the agency head;

(2) developing, maintaining and facilitating the implementation of a sound and integrated information architecture for an agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes including work process improvements for an agency.

(c) Duties and Qualifications of chief information officers in Agencies listed in section 901(b)(1) of title 31 United States Code

(1) Information resources management duties shall be a primary duty of the chief information officer.

(2) The chief information officer shall monitor the performance of information technology programs of the executive agency, evaluate the performance on the basis of the applicable performance measurements, and advise the head of the executive agency regarding whether to continue or terminate programs and/or projects.

(3) The chief information officer shall, as part of the strategic planning process required under Government Performance and Results Act, annually

(A) perform an assessment of the agency's knowledge and skill requirements in information resources management for achieving performance goals;

(B) an analysis of the degree to which existing positions and personnel, both at the executive and management levels, meet those requirements;

(C) develop strategies and specific plans for hiring, training and professional development to narrow the gap between needed and existing capability; and

(D) report to the agency head on the progress made in improving information management capability.

(4) Agencies may establish Chief Information Officers for major subcomponents or bureaus.

(5) Agency chief information officers shall possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, information and information technology management practices of business or government entities.

(6) For each chief information officer, a deputy chief information officer shall be appointed by the agency head reporting directly to the respective agency or component chief information officer. Deputy chief information offices shall have demonstrated ability and experience in general management, business process analysis, software and information systems development, design and management of information technology architectures, data and telecommunications management at government or business entities.

(d) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Agency Chief information officers designated under section 4135(c) of the Information Technology Management Reform Act of 1995.''.

(e) This section applies to national security systems.

SEC. 4136. ACCOUNTABILITY.

(a) SYSTEM OF CONTROLS.—The head of each executive agency, in consultation with the chief information officer and the chief financial officer of that agency (or, in the case of an agency without a chief financial officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to agency financial management systems; and

(3) ensure that financial statements support—

(A) assessment and revision of mission-related processes and administrative processes of the agency; and

(B) performance measurement in the case of information system investments made by the agency.

(b) INFORMATION RESOURCES MANAGEMENT PLAN.—The information resources management plan required under Section 3506(b)(2) of title 44, United States Code shall:

(1) be consistent with the strategic plan prepared by the head of the agency pursuant to section 306 of title 5, United States Code, where applicable, and the agency head's mission analysis, and ensure that the agency information systems conform to those plans. The plan shall provide for applying information technology and other information resources in support of the performance of the missions of the agency and shall include the following:

(A) A statement of goals for improving the contribution of information resources to program productivity, efficiency, and effectiveness.

(B) Methods for measuring progress toward achieving the goals.

(C) Assignment of clear roles, responsibilities, and accountability for achieving the goals.

(D) A description of—

(i) the major existing and planned information technology components (such as information systems and telecommunication networks) of the agency and the relationship among the information technology components; and

(ii) the information architecture for the agency.

(E) A summary, for each ongoing or completed major information systems investment from the previous year, of the project's status and any changes in name, direction or scope, quantifiable results achieved and current maintenance expenditures.

(c) AGENCY INFORMATION.—The head of an executive agency shall periodically evaluate and, as necessary, improve the accuracy, security, completeness, and reliability of information maintained by or for the agency.

(d) This section applies to national security systems except for subsection (b).

SEC. 4137. SIGNIFICANT FAILURES

The agency shall include in the plan required under section 3506(b)(2) of title 44, United States Code, a justification for the continuation of any major information technology acquisition program, or phase or increment of such program, that has significantly deviated from the established cost, performance, or schedule baseline.

SEC. 4138. INTERAGENCY SUPPORT

The heads of multiple executive agencies are authorized to utilize funds appropriated for use in oversight, acquisition and procurement of information technology to support the activities of the Chief Information Officers Council established pursuant to section 4141 and to such independent review committees and interagency groups established pursuant to section 4151 in such manner and amounts as prescribed by the Director.

SUBTITLE D—CHIEF INFORMATION OFFICERS COUNCIL

SEC. 4141. ESTABLISHMENT OF CHIEF INFORMATION OFFICERS COUNCIL

(a) ESTABLISHMENT.—There is established a Chief Information Officers Council, consisting of—

(1) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the council;

(2) the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget;

(3) the Administrator of General Services;

(4) the Administrator of the Office of Federal Procurement Policy of the Office of Management and Budget; and

(5) the Controller of the Office of Federal Financial Management of the Office of Management and Budget; and

(6) each of the Chief Information Officers from those agencies listed in section 901(b)(1) of title 31, United States Code, along with a Chief Information Officer representing other Executive agencies.

(b) FUNCTIONS.—The Chief Information Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members by:

(1) obtaining advice on information resources, information resources management, including the reduction of information collection burdens on the public, and information technology from State, local, and tribal governments and from the private sector;

(2) making recommendations to the Director of the Office of Management and Budget regarding Federal policies and practices on information resources management, including the reduction of information collection burdens on the public, to increase the efficiency and effectiveness of federal programs;

(3) providing for the Director of the Office of Management and Budget to establish temporary special advisory groups to the Chief Information Officers Council, composed of senior officials from industry, academia and the Federal Government, to review Governmentwide information technology programs, information technology acquisitions, and issues of information technology policy; and

(4) reviewing agency programs and processes, to identify opportunities for consolidation of activities or cooperation.

(c) The Chief Information Officers Council shall consider national security systems for advice or coordination only with the consent of the affected agency.

(d) The Chief Information Officers Council shall consult with the Public Printer appointed under Section 301 of Title 44, United States Codes, regarding implementation Section 4819 of this division.

SUBTITLE E—INTERAGENCY FUNCTIONAL GROUPS

SEC. 4151. ESTABLISHMENT.

(a) IN GENERAL.—The President may direct the establishment of one or more interagency groups to advise the Director and the agencies, known as ''functional groups''—

(1) to examine areas including telecommunications, software engineering, common administrative and programmatic applications, computer security, and information policy, that would benefit from a Governmentwide or multi-agency perspective;

(2) to submit to the Chief Information Officers Council proposed solutions for problems in specific common operational areas;

(3) to promote cooperation among agencies on information technology matters,

(4) to review and make recommendations to the Director and the agencies concerned regarding major or high risk information technology acquisitions, and

(5) to otherwise improve the efficient of information technology to support agency missions.

(b) TEMPORARY SPECIAL ADVISORY GROUPS.—The Director of the Office of Management and Budget is authorized to establish temporary special advisory groups to the functional groups, composed of experts from industry, academia and the Federal Government, to review Governmentwide information technology programs, major or high-risk information technology acquisitions, and issues of information technology policy.

SEC. 4152. SPECIFIC FUNCTIONS.

The functions of an interagency functional group are as follows:

(1) To identify common goals and requirements for common agency programs.

(2) To develop a coordinated approach to meeting agency requirements, including coordinated budget estimates and procurement programs.

(3) To identify opportunities to share information for improving the quality of the performance of agency functions, for reducing the cost of agency programs, and for reducing burdens of agency activities on the public.

(4) To coordinate activities and the sharing of information with other functional groups.

(5) To make recommendations to the heads of executive agencies and to the Director of the Office of Management and Budget regarding the selection of protocols and other standards for information technology, including security standards.

(6) To support interoperability among information systems.

(7) To perform other functions, related to the purposes set forth in section 4151(a), that are assigned by the chief Information Officers Council.

(b) Interagency functional groups may perform these functions with respect to national security systems only with the consent of the affected agency.

SUBTITLE F—OTHER RESPONSIBILITIES

SEC. 4161. RESPONSIBILITIES UNDER THE COMPUTER SECURITY ACT OF 1987.

(a) IN GENERAL.—(1) The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and technology pursuant to section 20(a) (2) and (3) of the National Bureau of Standards Act, promulgate standards and guidelines pertaining to Federal computer systems, making such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems. The President may disapprove or modify such standards and guidelines if he determines such action to be in the public interest. The President's authority to disapprove of modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be submitted promptly to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

(2) The head of a Federal agency may employ standards for the cost effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(3) The standards determined to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to Section 3506 of title 44, United States Code. Notice of each such waiver and delegation shall be transmitted promptly to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register.

(4) As used in this section, the terms ''Federal computer system'' and ''operator of a Federal computer system'' have the meanings given in section 20(d) of the National Bureau of Standard Act.

(b) EXERCISE OF AUTHORITY.—The authority conferred upon the Secretary by this section shall be exercised subject to direction by the President and in coordination with the Director of the Office of Management and Budget to ensure fiscal and policy consistency.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Subsections 3504(g) (2) and (3), and 3506(g) (2) and (3) to title 44, United States Code, are each amended by inserting the phrase ''and section 161 of the Information Technology Reform Act of 1995'' after the phrase ''the Computer Security Act of 1987 (P.L. 100–235).

SUBTITLE G—SENSE OF CONGRESS

SEC. 4171. SENSE OF CONGRESS.

It is the sense of Congress over the next five years that executive agencies should achieve at least a real 5 percent per year decrease in the cost incurred by the agency for operating and maintaining information technology, and a real 5 percent per year increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

TITLE XLII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SUBTITLE A—PROCEDURES

SEC. 4201. PROCUREMENT PROCEDURES.

(a) RESPONSIBILITY.—The Director of the Office of Management and Budget of the United States shall issue guidance to be used in conducting information technology acquisitions.

(b) STANDARDS FOR PROCEDURES.—The Director shall ensure that the process for acquisition of information technology is, in general a simplified, clear, and understandable process that specifically addresses the management of risk.

(c) PERFORMANCE MEASUREMENTS.—The guidance shall include performance measurements and other performance requirements that the Director determines appropriate.

(d) USE OF COMMERCIAL ITEMS.—The guidance shall mandate the use, to maximum extent practicable, of commercial items to meet the information technology requirements of the executive agency.

(e) DIFFERENTIATED PROCEDURES.—Subject to subsection (b), the Director shall consider whether and, to the extend appropriate, how to differentiate in the treatment and conduct of acquisitions of information technology on any of the following bases:

(1) The dollar value of the acquisition.

(2) The information technology to be acquired, including such consideration as whether the item is a commercial item or an item being developed or modified uniquely for use by one or more executive agencies.

(3) The complexity of the information technology acquisition, including such considerations as size and scope.

(4) The level of risk, including technical and schedule risks.

(5) The level of experience or expertise of the critical personnel in the program office, mission unit, or office of the chief information officer of the executive agency concerned.

(6) the extent to which the information technology may be used government-wide or by several agencies.

SEC. 4202. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) CIVILIAN AGENCIES.—

(1) PROCEDURES AUTHORIZED.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303H the following new section:

''MODULAR CONTRACTING

''SEC. 303I. (a) IN GENERAL.—An executive agency's need for a major system of information technology should, to the maximum extent practicable, be satisfied in successive acquisitions of interoperable increments pursuant to subsections (b) and (c). Such increments shall comply with readily available standards such that they can be connected to other increments that comply with such standards.

''(b) DIVISION OF ACQUISITIONS INTO INCREMENTS.—Under the successive, incremental acquisition process, a major system of information technology may be divided into several smaller acquisition increments that

''(1) are easier to manage individually than would be one extensive acquisition;

''(2) address complex information technology problems incrementally in order to enhance the likelihood of achieving workable solutions for those problems;

''(3) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

''(4) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments.

''(c) TIMELY ACQUISITIONS.—(1) A contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued, or that increment of the acquisition should be considered for cancellation.

''(2) The information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.''

(2) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 303H the following new item:

''Sec. 303I MODULAR CONTRACTING.''.

(b) DEPARTMENT OF DEFENSE.—

(1) PROCEDURES AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§ 2305a. Modular Contracting

''(a) IN GENERAL.—An executive agency's need for a major system of information technology should, to the maximum extent practicable, be satisfied in successive acquisitions of interoperable increments pursuant to subsections (b) and (c). Such increments shall comply with readily available standards such that they can be connected to other increments that comply with such standards.

''(b) DIVISION OF ACQUISITIONS INTO INCREMENTS.—Under the successive incremental acquisition process, a major system of information technology may be divided into several ties smaller acquisition increments that—

''(1) are easier to manage individually than should be one extensive acquisition;

''(2) address complex information technology problems incrementally in order to enhance the likelihood of achieving workable solutions for those problems;

''(3) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

''(4) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments.

''(c) TIMELY ACQUISITIONS.—(1) A contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued, or that increment of the acquisition should be considered for cancellation.

''(2) The information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.''

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305 the following:

''2305a. Modular Contracting.''.

SEC. 4203. TASK AND DELIVERY ORDER CONTRACTS.

(a) CIVILIAN AGENCY ACQUISITIONS.—

'(1) REQUIREMENT FOR MULTIPLE AWARDS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253H(d)) is amended by adding at the end the following new paragraph:

''(4) In exercising the authority under this section for procurement of information technology, the head of an executive agency shall award at least two task or delivery order contracts for the same or similar information technology services or property unless the agency determines that it is not in the best interests of the United States to award two or more such contracts.''.

''(2) DEFINITION.—Section 303K of such Act (41 U.S.C. 253k) is amended by adding at the end the following new paragraph:

''(3) The term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.''.

(b) ARMED SERVICES ACQUISITIONS.—

(1) REQUIREMENT FOR MULTIPLE AWARDS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) In exercising the authority under this section for procurement of information technology, the head of an executive agency shall award at least two task or delivery order contracts for the same or similar information technology services or property unless the agency determines that it is not in the best interests of the United States to award two or more such contracts.''.

(2) DEFINITION.—Section 2304d of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.''.

SUBTITLE B—ACQUISITION MANAGEMENT

SEC. 4221. ACQUISITION MANAGEMENT TEAM.

(a) CAPABILITIES OF AGENCY PERSONNEL.—The head of each executive agency shall ensure that the agency personnel involved in an acquisition of information technology have the experience, and have demonstrated the skills and knowledge, necessary to carry out the acquisition competently.

(b) USE OF OUTSIDE ACQUISITION TEAM.—If the head of the executive agency determines that such personnel are not available for carrying out the acquisition, the head of that agency should consider designating a capable executive agent to carry out the acquisition.

SEC. 4222. OVERSIGHT OF ACQUISITIONS.

It is the sense of Congress that the director of the Office of Management and Budget, the heads of executive agencies, and the inspectors general of executive agencies, in performing responsibilities for oversight of information technology acquisitions, should emphasize reviews of the operational justifications for the acquisitions, the results of the acquisition programs, and the performance measurements established for the information technology rather than reviews of the acquisition process.

TITLE XLIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

SUBTITLE A—CONDUCT OF PILOT PROGRAMS

SEC. 4301. AUTHORIZATION TO CONDUCT PILOT PROGRAMS.

(a) IN GENERAL.—

(1) PURPOSE.—The Administrator for Federal Procurement Policy (hereinafter referred to as the ''Administrator''), in consultation with the Administrator for the Office of Information and Regulatory Affairs shall be authorized to conduct pilot programs in order to test alternative approaches for acquisition of information technology and other information resources by executive agencies.

(2) MULTI-AGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this title, each pilot program conducted under this title shall be carried out in not more than two procuring activities in each of two executive agencies designated by the Administrator. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the agency to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs shall be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 4321 and 4322.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed $750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) INVOLVEMENT OF CHIEF INFORMATION OFFICERS COUNCIL.—The Administrator may—

(1) conduct pilot programs recommended by the Chief Information Officicers Council; and

(2) consult with the Chief Information Officers Council regarding development of pilot programs to be conducted under this section.

(d) PERIOD OF PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall conduct a pilot program for the period, not in excess of five years, that is determined by the Administrator to be sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

SEC. 4302. EVALUATION CRITERIA AND PLANS.

(a) MEASURABLE TEST CRITERIA.—The head of each executive agency conducting a pilot program under section 4301 shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program may be conducted under section 4301 the Administrator shall submit to the Committee on Governmental Affairs and the Committee on Small Business of the Senate and the Committee on Government Reform and Oversight and the Committee on Shall Business of the House of Representative a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

SEC. 4303. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program conducted under this title the Administrator shall—

(1) submit to the Director of the Office of Management and Budget a report on the results and findings under the program; and

(2) provide a copy of the report to the Committee on Governmental Affairs and the Committee on Small Business of the Senate, and the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives.

(b) CONTENT.—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

SEC. 4304. RECOMMENDED LEGISLATION.

If the Director of the Office of Management and Budget determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to the Committee on Governmental Affairs and the Committee on Small Business of the Senate and the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives.

SEC. 4305. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs conducted pursuant to this title.

SUBTITLE B—SPECIFIC PILOT PROGRAMS

SEC. 4321. SHARE-IN-SAVINGS PILOT PROGRAM.

(a) REQUIREMENT.—The Administrator may authorize agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) PROGRAM CONTRACTS.—Up to five contracts for one project each may be entered into under the pilot program.

(c) SELECTION OF PROJECTS.— The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, from among projects recommended by the Chief Information Officers Council.

SEC. 4322. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM

(a) IN GENERAL.—The Administrator may authorize agencies to carry out a pilot program to test the feasibility of the use of solutions-based contracting for acquisition of information technology.

(b) SOLUTIONS-BASED CONTRACTING DEFINED.—For purposes of this section, solutions-based contracting is an acquisition method under which the Federal Government user of the technology to be acquired defines the acquisition objectives, uses a streamlined contractor selection process, and allows industry sources to provide solutions that attain the objectives effectively. the emphasis of the method is on obtaining from industry an optimal solution.

(c) PROCESS.—The Administrator shall require use of the following process for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvement results to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives in the specific mission or administrative area to be supported by the information technology to be acquired, a contracting officer, and persons with relevant expertise.

(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS.—Use of source selection factors that are limited to determining the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives to be attained in the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan.

(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) SIMPLE SOLICITATION.—Use of simple solicitation that sets forth only the functional work description, source selection factors, the required terms and conditions, instructions regarding submission of offers, and the estimate of the Federal Government's budget for the desired work.

(7) SIMPLE PROPOSALS.—Submission of oral proposals and acceptance of written supplemental submissions that are limited in size and scope and contain information on the offeror's qualifications to perform the desired work together with information of past contract performance.

(8) SIMPLE EVALUATION.—Use of a simple evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the offerors that are within the competitive range of most of the qualified offerors.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding the qualifications of the offerors, including the qualifications of each offeror relate to the approaches proposed to be taken by the offeror in the acquisition.

(C) Evaluation of the qualifications of the identified offerors on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, but taking into consideration supplemental written submissions.

(B) Conduct for 30 to 60 days of a program definition phase, funded by the Federal Government—

(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with the alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 60 to 90 days after issuance of the solicitation.

(d) PILOT PROGRAM DESIGN.—

(1) JOINT PUBLIC-PRIVATE WORKING GROUP.—The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of the pilot program. The establishment and operation of this working group shall not be subject to the requirements of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.)

(2) CONTENT OF PLAN.—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) Not more than 10 projects, each of which has an estimated cost of between $25,000,000 and $100,000,000; and

(B) Not more than 10 projects, each of which has an estimated cost of between $1,000,000 and $5,000,000, to be set aside for small business concerns.

(3) COMPLEXITY OF PROJECTS.—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A)—

(i) the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development; and

(ii) the project shall incorporate all elements of system integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) USE OF EXPERIENCED FEDERAL PERSONNEL.—Only Federal Government personnel who are experienced, and have demonstrated success, in managing or otherwise performing significant functions in complex acquisitions shall be used for evaluating offers, selecting sources, and carrying out the performance phases in an acquisition under the pilot program.

(f) MONITORING BY GAO.—

(1) REQUIREMENT.—The Comptroller General of the United States shall—

(A) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(B) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

(2) EXPIRATION OF REQUIREMENT.—The requirement under paragraph (1)(B) shall terminate after submission of the report that contains the final views of the Comptroller General on the last of the acquisition projects completed under the pilot program.

TITLE XLIV—OTHER INFORMATION RESOURCES MANAGEMENT REFORM

SEC. 4401. ON-LINE MULTIPLE AWARD SCHEDULE CONTRACTING.

(a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—(1) In order to provide for the economic and efficient procurement of information technology, the Administrator of General Services shall establish a program for the development and implementation of a system to provide Government-wide, on-line computer access to information on information technology products and services that are available for ordering through multiple award schedules.

(2) The system required by paragraph (1) shall, at a minimum—

(A) provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules;

(B) provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available;

(C) enables users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors;

(D) enable users to place, and vendors to receive, on-line computer orders for products and services available for ordering through the multiple award schedules (up to the maximum order limitation of the applicable schedule contract);

(E) enable ordering agencies to make payments to contractors by bank card, electronic funds transfer, or other automated methods in cases in which it is practicable and in the interest of the Federal Government to do so; and

(F) archive data relating to each order placed against multiple award schedule contracts using such system, including, at a minimum, data on—

(i) the agency or office placing the order;

(ii) the vendor receiving the order;

(iii) the products or services ordered; and

(iv) the total price of the order.

(3)(A) The system required by paragraph (1) shall be implemented not later than January 1, 1998.

(B) The Administrator shall certify to Congress that the system required by paragraph (1) has been implemented at such time as a system meeting the requirements of paragraph (2) is in place and accessible by at least 90 percent of the potential users in the departments and agencies of the Federal Government.

(4) Orders placed against multiple award schedule contracts through the system required by paragraph (1) may be considered for purposes of the determinations regarding implementation of the capability described under subsection (b) of section 30A of the Office of Federal Procurement Policy Act (41 U.S.C. 426a) and implementation of such capability under subsection (d) of such section.

(b) STREAMLINED PROCEDURES; PILOT PROGRAM.—(1)(A) In order to provide for compliance with provisions of law requiring the use of competitive procedures in Federal Government procurement, the procedures established by the Administrator of General Services for the program referred to in subsection (a) shall include requirements for—

(i) participation in multiple award schedule contracts to be open to all responsible and responsive sources; and

(ii) orders to be placed using a process which results in the lowest overall cost alternative to meet the needs of the Government, except in a case in which a written determination is made (in accordance with such procedures) that a different alternative would provide a substantially better overall value to the Government.

(B) The Administrator may require offerors to agree to accept orders electronically through the electronic exchange of procurement information in order to be eligible for award of a multiple award schedule contract.

(C) Regulations on the acquisition of commercial items issued pursuant to section 8002 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3386; 41 U.S.C. 264 note) shall apply to multiple award schedule contracts.

(2) Within 90 days after the Administrator makes the certification referred to in subsection (a)(3)(B), the Administrator shall establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules. The Administrator shall provide for the pilot program to be applicable to all multiple award schedule contracts for the purchase of information technology and to test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible and responsive offeror that—

(i) has a suitable record of past performance on Federal Government contracts, including multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices and to accept orders electronically through the automated system established pursuant to subsection (a).

(3)(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Committee on Governmental Affairs and the Committee on Small Business of the Senate and the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent of the competition for the orders placed under the pilot program.

(ii) The effect of the pilot program on prices charged under multiple award schedule contracts.

(iii) The effect of the pilot program on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) Unless reauthorized by Congress, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to enter new contracts under the pilot program.

(c) DEFINITIONS.—In this section—

(1) The term ''information technology'' has the meaning given that term in section 4 of this Act.

(2) The term ''commercial item'' has the meaning given the term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(3) The term ''competitive procedures'' has the meaning given the term in section 309(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)).

SEC. 4402 DISPOSAL OF EXCESS COMPUTER EQUIPMENT.

(A) AUTHORITY TO DONATE.—The head of an executive agency may, without regard to the procedures otherwise applicable under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), convey without consideration all right, title, and interest of the United States in any computer equipment under the control of such official that is determined under title II of such Act as being excess property to a recipient in the following order of priority:

(1) Elementary and secondary schools under the jurisdiction of a local educational agency and schools funded by the Bureau of Indian Affairs.

(2) Public libraries.

(3) Public colleges and universities

(b) INVENTORY REQUIRED.—Upon the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official and identify in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) the equipment, if any, that is excess property.

(c) DEFINITION.—In this section:

(1) The term ''excess property'' has the meaning given such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(2) The terms ''local educational agency'', ''elementary school'', and ''secondary school'' have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 4403 LEASING INFORMATION TECHNOLOGY.

(A) ANALYSIS BY GAO.—The Comptroller General of the United States shall perform a comparative analysis of alternative means of financing the acquisition of information technology. The analysis should

(1) investigate the full range of alternative financing mechanisms, to include leasing, purchasing and rentals of new and used equipment; and

(2) assess the relative costs, benefits and risks of alternative financing options for the federal government.

(b) LEASING GUIDELINES.—Based on the analysis, the Comptroller General shall develop recommended guidelines for financing information technology for executive agencies.

TITLE XLV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

SEC. 4501. PERIOD FOR PROCESSING PROTESTS.

Section 3554(a) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out ''paragraph (2)'' in the second sentence and inserting in lieu thereof ''paragraphs (2) and (5)''; and

(2) by adding at the end the following:

''(5)(A) The requirements and restrictions set forth in this paragraph apply in the case of a protest in a procurement of information technology.

''(B) The Comptroller General shall issue a final decision concerning a protest referred to in subparagraph (A) within 45 days after the date of the protest is submitted to the Comptroller General.

''(C) The disposition under this subchapter of a protest in a procurement referred to in subparagraph (A) bars any further protest under this subchapter by the same interested party on the same procurement.''.

SEC. 4502. DEFINITION.

Section 3551 of title 31, United States Code, is amended by adding at the end the following:

''(4) The term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.''.

SEC. 4503. EXCLUSIVITY OF ADMINISTRATIVE REMEDIES.

Section 3556 of title 31, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

''Notwithstanding any other provision of law, the Comptroller General shall have the

exclusive administrative authority to resolve a protest involving the solicitation, a proposal for award, or an award of a contract for information technology, to the exclusion of the boards of contract appeals or any other entity. Nothing contained in the subchapter shall affect the right of any interested party to file a protest with the contracting agency or to file an action in a district court of the United States of the United States Court of Federal Claims.''.

TITLE XLVI—RELATED TERMINATIONS, CONFORMING AMENDMENTS, AND CLERICAL AMENDMENTS

SUBTITLE A—CONFORMING AMENDMENTS

SEC. 4601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

SENSITIVE DEFENSE ACTIVITIES.—For the Department of Defense Section 2315 of such title is amended by striking out from the words ''Section 111'' through the words ''use of equipment or services if,'' and substituting therein the following:

''For the purpose of the Information Technology Management Reform Act of 1995, the term 'national security systems' means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which''.

SEC. 4602. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out ''section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)'' and inserting in lieu thereof ''the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1995'';

(2) in subsection (g), by striking out ''sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)'' and inserting in lieu thereof ''section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)'';

(3) by striking out subsection (1); and

(4) by redesignating subsection (m) as subsection (1).

SEC. 4803. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) AVAILABILITY OF FUNDS FOLLOWING RESOLUTION OF A PROTEST.—Section 1558(b) of title 31, United States Code, is amended by striking out ''or under section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)''.

(b) GAO PROCUREMENT PROTEST SYSTEM.—Section 3552 of such title is amended by striking out the second sentence.

SEC. 4804. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 301 of title 38, United States Code, is amended to read as follows:

''SEC. 310. CHIEF INFORMATION OFFICER.

''(a) The Secretary shall designate a chief information officer for the Department in accordance with section 4135(a) of the Information Technology Management Reform Act of 1995.

''(b) The chief information officer shall perform the duties provided for chief information officers of executive agencies under the Information Technology Management Reform Act of 1995.''.

SEC. 4805. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) DEFINITION.—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

''(9) the term 'information technology' has the meaning given that term in section 4004 of the Information Technology Management Reform Act of 1995;''.

(b) DEVELOPMENT OF STANDARDS AND GUIDELINES BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 3504(h)(1)(B) of such title is amended by striking out ''section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))'' and inserting in lieu thereof ''paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a))''.

(c) COMPLIANCE WITH DIRECTIVES.—Section 3504(h)(2) of such title is amended by striking out ''sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759)'' and inserting in lieu thereof ''the Information Technology Management Reform Act of 1995 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)''.

SEC. 4806. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out ''or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies''.

SEC. 4818. OTHER LAWS.

(a) COMPUTER SECURITY ACT OF 1987.—(1) Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724) is amended by striking out ''by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))''; and (2) Nothing in the Information Technology Management Reform Act shall affect the limitations on the authorities set forth in P.L. 100–235.

(b) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(c) NATIONAL SECURITY ACT OF 1947.—Section 3 of the National Security Act of 1947 (50 U.S.C. 403c) is amended by striking out subsection (e).

SEC. 4919. ACCESS OF CERTAIN INFORMATION IN INFORMATION SYSTEMS TO THE DIRECTORY AND SYSTEM OF ACCESS ESTABLISHED UNDER SECTION 4101 OF TITLE 44, UNITED STATES CODE.

Notwithstanding any other provision of this division, if in designing an information technology system pursuant to this division, the agency determines that a purpose of the system is to disseminate information to the public, then the head of such agency shall ensure that information so disseminated is included in the directory created pursuant to Section 4101 of Title 44, United States Code. Nothing in this section shall authorize the dissemination of information to the public unless otherwise authorized.

SEC. 4820. RULE OF CONSTRUCTION RELATING TO THE PROVISIONS OF TITLE 44, UNITED STATES CODE.

Nothing in this division shall be construed to amend, modify or supercede any provision of Title 44, United States Code, other than Chapter 35 of Title 44, United States Code.

SUBTITLE B—CLERICAL AMENDMENTS

SEC. 4821. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

''310. Chief information officer.''.

TITLE XLIX—SAVINGS PROVISIONS

SEC. 4901. SAVINGS PROVISION.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Administration Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under the section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this title, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director of the Office of Management and Budget, any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS AND APPLICATIONS.—

(1) TRANSFERS OF FUNCTIONS NOT TO AFFECT PROCEEDINGS.—This Act and the amendments made by this Act shall not affect any proceeding, including any proceeding involving a claim or application, in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Administration Board of Contract Appeals on the effective date of this Act.

(2) ORDERS IN PROCEEDINGS.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this Act had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Director of the Office of Management and Budget, or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION OF PROCEEDINGS NOT PROHIBITED.—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director of the Office of Management and Budget may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

TITLE L—EFFECTIVE DATES

SEC. 5101. EFFECTIVE DATES.

This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

KOHL (AND OTHERS) AMENDMENT NO. 2119

Mr. KOHL (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. BROWN, Mr. FEINGOLD, Mr. BUMPERS, Mr. BRADLEY, Mr. HARKIN, Mrs. BOXER, and Mr. WELLSTONE) proposed an amendment to the bill S. 1026, supra; as follows:

On page 16, between lines 8 and 9, insert the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1996 under the provisions of this Act is $257,700,000,000.

THE LIVESTOCK GRAZING ACT

DOMENICI AMENDMENT NO. 2120

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill (S. 852) to provide for uniform management of livestock grazing on Federal land, and for other purposes; as follows:

Insert at the end of section 102 the following: ''Nothing in this title shall limit or preclude the use of federal land for hunting, fishing, or appropriate recreational activities in accordance with applicable Federal and State laws and the principles of multiple use.''.

Mr. DOMENICI. Mr. President, I submit an amendment to S. 852.

Mr. President, I submit this amendment to the Public Rangelands Management Act of 1995 in an effort to assure multiple users of public lands, such as hunters and fisherman, that the bill does not change the fundamental requirement of multiple use.

As the principal sponsor of this legislation, I never intended that the bill diminish in any way the rights and privileges currently enjoyed by hunters, fishermen, hikers, back-packers or any outdoor sportsmen and recreationalists.

When the original bill was criticized for limiting access for such purposes, and creating a so-called dominant use for grazing, it was changed.

For example, section 106(a) states that livestock grazing on Federal lands shall be managed under the principle of multiple use and sustained yield.

To further emphasize this fundamental underpinning of the bill, a new finding has been added to section 101(a) to state that: ''Multiple use, as set forth in current law, has been and continues to be a guiding principle in the management of public lands and national forests.''

The amendment I submit today would unequivocally state, at an appropriate place in the text of the legislation, that ''nothing in this title shall limit or preclude the use of Federal land for hunting, fishing or appropriate recreational activities in accordance with applicable Federal and State laws and the principles of multiple use.''

I will urge my colleagues at the proper time to add this language to the bill and I assure people across this country that their ability to use public lands for their outdoor sporting and recreational activities will be in no way diminished by this legislation.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

HARKIN (AND OTHERS) AMENDMENT NO. 2121

Mr. HARKIN (for himself, Mr. ABRAHAM, Ms. SNOWE, and Mrs. BOXER) proposed an amendment to the bill S. 1026, supra; as follows:

On page 371, after line 21, insert the following:

SEC. 1062 REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE.

(a) END STRENGTH REDUCTIONS FOR MILITARY PERSONNEL IN EUROPE.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), but subject to subsection (d), for each of fiscal years 1997 and 1998, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) in accordance with subsection (b).

(b) REDUCTION FORMULA.—

(1) APPLICATION OF FORMULA.—For each percentage point by which, as of the end of a fiscal year, the allied contribution level determined under paragraph (2) is less than the allied contribution goal specified in subsection (c), the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), and subsection (a) of this section (if applicable), for the fiscal year in which the allied contribution level is less than the goal specified in subsection (c).

(2) DETERMINATION OF ALLIED CONTRIBUTION LEVEL.—To determine the allied contribution level with respect to a fiscal year, the Secretary of Defense shall calculate the aggregate amount of the incremental costs to the United States of permanently stationing United States forces ashore in European member nations of NATO, and the foreign labor compensation costs of United States military installations in European member nations of NATO, that are assumed during that fiscal year by such nations, except that the Secretary may consider only those cash and in-kind contributions by such nations that replace expenditures that would otherwise be made by the Secretary using funds appropriated or otherwise made available in defense appropriations Acts.

(c) ANNUAL ALLIED CONTRIBUTION GOALS.—

(1) GOALS.—In continuing efforts to enter into revised host-nation agreements as described in the provisions of law specified in paragraph (2), the President is urged to seek to have European member nations of NATO assume an increased share of the incremental costs to the United States of permanently stationing United States forces ashore in European member nations of NATO and the foreign labor compensation costs of United States military installations in those nations in accordance with the following timetable:

(A) By September 30, 1996, 37.5 percent of such costs should be assumed by those nations.

(B) By September 30, 1997, 75.0 percent of such costs should be assumed by those nations.

(2) SPECIFIED LAWS.—The provisions of law referred to in paragraph (1) are—

(A) section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545);

(B) section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1824); and

(C) section 1304 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2890),

(d) EXCEPTIONS.—

(1) MINIMUM END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (a), the Secretary of Defense may maintain an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(2) WAIVER AUTHORITY.—The President may waive operation of this section if the President declares an emergency. The President shall immediately inform Congress of any such waiver and the reasons for the waiver.

(e) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (a), the reduction shall be used to make a corresponding increase in the end strength levels of members of each of the Armed Forces of the United States assigned to permanent duty ashore in the United States or in other nations (other than European member nations of NATO). The Secretary of Defense shall allocate the increases in end strength levels under this section.

(f) INCREMENTAL COSTS DEFINED.—For purposes of this section, the term ''incremental costs'', with respect to permanent stationing ashore of United States forces in foreign nations, has the meaning given such term in section 1313(f) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2895).

LEVIN (AND BINGAMAN) AMENDMENT NO. 2122

Mr. LEVIN (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

At the end of Section 105, insert the following: ''The reserve components shall choose the equipment to be procured with the Funds authorized herein according to their highest modernization priorities.''

GLENN AMENDMENT NO. 2123

Mr. GLENN proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 154, strike out line 4 and all that follows through page 155, line 20, and insert in lieu thereof the following:

SEC. 502. REVIEW OF PERIOD OF OBLIGATED ACTIVE DUTY SERVICE FOR GRADUATES OF SERVICE ACADEMIES.

Not later than April 1, 1996, the Secretary of Defense shall—

(1) review the effects that each of various periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy would have on the number and quality of the eligible and qualified applicants seeking appointment to such academies; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's findings together with any recommended legislation regarding the minimum periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

LEAHY (AND OTHERS) AMENDMENT NO. 2124

Mr. LEAHY (for himself), Mr. LUGAR, Mr. GRAHAM, Mrs. KASSEBAUM, Mr. SIMON, Mr. INOUYE, Mr. JEFFORDS, Mr. REID, Mr. HATFIELD, Mr. FORD, Mr. HARKIN, Mr. SARBANES, Mr. FEINGOLD, Mr. KOHL, Mr. LAUTENBERG, Mr. DODD, Mr. KERRY, Mr. BRADLEY, Ms. MOSELEY-BRAUN, Mr. BUMPERS, Mr. KENNEDY, Mrs. BOXER, Mr. PELL, Mr. CHAFEE, Mr. DORGAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DASCHLE, Mrs. MURRAY, Mr. SIMPSON, Mr. BRYAN, Mr. MOYNIHAN, and Mr. KERREY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. CONRAD, Mr.

JOHNSTON, Mr. PRYOR, Mr. BREAUX, Mr. EXON, Mr. CAMPBELL, Mr. ROBB, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. GORTON, Mr. SPECTER, Mr. MCCONNELL, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LANDMINE USE MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of State, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(4) Antipersonnel landmines are routinely used against civilian populations and kill and maim an estimated 70 people each day, or 26,000 people each year.

(5) The Secretary of State has noted that landmines are ''slow-motion weapons of mass destruction''.

(6) There are hundreds of varieties of antipersonnel landmines, from a simple type available at a cost of only two dollars to the more complex self-destructing type, and all landmines of whatever variety kill and maim civilians, as well as combatants, indiscriminately.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.—It is the sense of Congress that, at the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.—

(1) UNITED STATES MORATORIUM.—(A) For a period of one year beginning three years after the date of the enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(B) If the President determines, before the end of the period of the United States moratorium under subparagraph (A), that the governments of other nations are implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period of the United States moratorium for such additional period as the President considers appropriate.

(2) OTHER NATIONS.—It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium as a step toward the elimination of antipersonnel landmines.

(d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferations of antipersonnel landmines, the United States Government should not sell, license for export, or otherwise transfer defense articles and services to any foreign government which, as determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

(e) DEFINITIONS.—For purposes of this Act:

(1) ANTIPERSONNEL LANDMINE.—The term ''antipersonnel landmine'' means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(2) 1980 CONVENTIONAL WEAPONS CONVENTION.—The term ''1980 Conventional Weapons Convention'' means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, together with the protocols relating thereto, done at Geneva on October 10, 1980.

BROWN AMENDMENT NO. 2125

Mr. BROWN proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . CLARIFICATION OF RESTRICTIONS.

Subsection (e) of section 620E of the Foreign Assistance Act of 1961 (P.L. 87–195) is amended:

(1) by striking the words ''No assistance'' and inserting the words ''No military assistance'';

(2) by striking the words ''in which assistance is to be furnished or military equipment or technology'' and inserting the words ''in which military assistance is to be furnished or military equipment or technology''; and

(3) by striking the words ''the proposed United States assistance'' and inserting the words ''the proposed United States military assistance''.

(4) by adding the following new paragraph:

(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

(A) International narcotics control (including Chapter 8 of Part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

(B) Facilitating military-to-military contact, training (including Chapter 5 of Part II of this Act) and humanitarian and civil assistance projects;

(C) Peacekeeping and other multilateral operations (including Chapter 6 of Part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

(D) Antiterrorism assistance (including Chapter 8 of Part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes;

(5) by adding the following new subsections at the end—

(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

(g) RETURN OF MILITARY EQUIPMENT.—The President may return to the Government of Pakistan military equipment paid for and delivered to Pakistan and subsequently transferred for repair or upgrade to the United States but not returned to Pakistan pursuant to subsection (e). Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Monday, August 28, 1995, at 1 p.m. in the Shrine of the Ages Auditorium at Grand Canyon National Park, AZ.

The purpose of this hearing is to review the priority needs of the park and identify ways to address these needs in the context of the Grand Canyon general management plan as well as alternative plans or solutions.

The committee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others wishing to testify may, as time permits, make a brief statement of no more than 2 minutes. Those wishing to testify should contact Senator KYL'S office in Phoenix at (602) 840–1891. The deadline for signing up to testify is Tuesday, August 22, 1995. Every attempt will be made to accommodate as many witnesses as possible, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing; it is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Jim O'Toole of the committee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled for Tuesday, August 29, 1995, at 9 a.m. and will conclude at 1 p.m. in Flagstaff, AZ, before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on forest ecosystem

health and to understand the science of forest health and discuss the changes necessary to manage for long-term forest health. The hearing will be held at the Northern Arizona University at Flagstaff in Ashurst Hall.

The hearing is by invitation only. Witnesses testifying at the hearing are requested to bring 10 copies of their written statement with them on the day of the hearing. Please submit one copy in advance to the attention of Mark Rey, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Time permitting, an open mike session will be held. If interested in giving a 2-minute statement, please contact Senator KYL'S office in Phoenix, AZ, at (602) 840–1891.

For further information, please contact Mark Rey, at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Friday, August 4, 1995.

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

ADDITIONAL STATEMENTS

OPPORTUNITY AND CHALLENGE

• Mr. CRAIG. Mr. President, I wanted to share with my colleagues a fine book authored by Dr. Fredrick Chien, Foreign Minister of the Republic of China.

''Opportunity and Challenge,'' published by the Arizona Historical Foundation, is a collection of Minister Fredrick Chien's speeches and writings, given between 1990 and 1994. These writings fully explain Taiwan's foreign policy; students of politics or anyone interested in the study of Taiwan will find them extremely helpful.

Of particular note is Taiwan's advocacy of ''pragmatic diplomacy.'' Even though the Republic of China does not have formal relations with many countries, its ''pragmatic diplomacy'' has enabled Taiwan to have substantive relations with nearly all the countries in the world. Taiwan's relationship with the United States is a classic example of ''pragmatic diplomacy'' at work. Despite the lack of formal ties, Taiwan and the United States enjoy an informal working relationship which continually grows stronger. After a careful study of Chien's writings, I conclude that the Republic of China is on the right track in terms of expanding its international presence.

One of the challenges facing Minister Fredrick Chien and his government is Taiwan's bid to rejoin the United Nations. Clearly, Taiwan is qualified to be a member of the U.N. It is to be hoped that the world will soon see the injustice of keeping Taiwan out of the U.N. and will invite Taiwan to rejoin the world body.

The U.N. issue has been mentioned prominently in ''Opportunity and Challenge,'' and so have a number of other interesting issues such as Taiwan's relationship with the Chinese Communists, the independence movement in Taiwan and the role of Taiwan in the 21st century.

''Opportunity and Challenge'' is a collection of well thought-out statements on Taiwan's foreign relations by one of Taiwan's most eminent leaders: Fredrick Chien. I highly recommend this book.•

MISLEADING LOTTERY ADS

• Mr. SIMON. Mr. President, many States have been directly involved in the explosive growth of gambling across the Nation in the last two decades.

The staggering surge in State-sponsored and State-licensed gaming has largely been the result of impulsive decisions by cash-strapped State and local governments whose leaders are looking for painless new sources of revenue.

There has been scant attention, at any level of government, to the larger and often troubling public policy implications that accompany the gambling boom. I have introduced S. 704, a bill that would charter a Gambling Impact Study Commission which, after an 18-month inquiry, would release its findings in a report that would provide some guidance to the President, to the Congress, to State and local governments and to the American people as these decisions are made in the future. Senator LUGAR has joined in this effort as the chief Republican cosponsor of this legislation.

In the current issue of the Washington Monthly, Joshua Wolf Shenk offers an illuminating analysis of the ways that State lotteries often entice individuals into gambling with sales pitches that, he notes, are ''the only form of advertising unburdened by State and federal truth-in-advertising standards.'' I call his article, ''Everyone's A Loser,'' to the attention of my colleagues, and I ask unanimous consent that it be printed in the RECORD.

The article follows:

[From the Washington Monthly, July/Aug. 1995]

EVERYONE'S A LOSER: HOW LOTTERY ADS ENTICE THE WRONG PEOPLE TO GAMBLE

(By Joshua Wolf Shenk)

Tom had been playing the lottery for two years when God started whispering in his ear. At first, Tom (who asked that his last name be withheld) would spend just a few dollars a week. He had his regular numbers, and he'd play them when he thought of it.

But then, he says, on the days that he hadn't planned on playing, the word would come from Heaven: Your number is coming tonight. Fear would strike him like ice water on the neck: ''I'd think, 'I'm not going to win it. I don't have the [money] on that number.'" So he'd rush out to play his regular number, and many more. Before long, he was spending $300 a week on tickets.

''It was 'A Dollar and a Dream'; 'Hey, You Never Know,'" he says, repeating the advertising slogans of the New York lottery. Tom pauses. ''Those were good come-ons.''

It's no accident that the voices inside Tom's head echoed lottery ads. They're extremely effective. And they're everywhere: on the radio and TV, in bus shelters and on billboards, even in mailings sent straight to homes. The message is simple: Play the lottery and get rich. Get rich, and all your problems will be solved. The New York lottery takes in more than $2 billion in sales each year, and it spends $30 million each year on advertising to keep the cash rolling in.

State lotteries target anyone who might cough up a dollar (or $10 or $20) for the chance to strike it rich. Conveniently silent on the odds, these ads send the message that hard work and patience is for suckers. In the process, the ads help wring billions of dollars from the most vulnerable ''customers'' possible—the poor and the addicted.

Criticism of state lotteries runs a wide gamut. Some say the state shouldn't even allow gambling, much less conduct it. Others argue that gambling should be left in private hands. Still others believe that the state should run lotteries for roughly the same reason many states run liquor stores: to keep the business controlled and clean, and to make money for the state.

Regardless of where you stand on these important questions, though, one thing should be clear: The advertising that entices Americans to spend tens of billions of dollars on lottery tickets each year is deceitful and corrosive. It is the only form of advertising unburdened by state and federal truth-in-advertising standards. The fact that it comes from the state—which ought to encourage people's strengths, not prey on their weaknesses—makes it all the more foul.

Today, 37 states and the District of Columbia have instituted lotteries, and that number is likely to grow.''Quite simply, states need the revenue,'' explains David Gale, executive director of the North American Association of State and Provincial Lotteries. ''Every dollar raised by the lottery is a dollar you don't need to get from taxes.'' Across the country, $34 billion in lottery tickets were sold in 1994. In Texas, the lottery contributed $935 million to the state's budget. In New York, the figure was $1.01 billion. As states have become dependent on lottery revenue, the pressure to keep people playing has become relentless. ''Marketing is absolutely essential,'' Gale says. ''Lottery tickets are no different than any other product. Your market will lose interest after a while. You have to keep after them.''

Like any sophisticated business, lotteries target the specific groups of people most susceptible to suggestion. The Iowa lottery's media plan, for example, contains the following statement of objective: ''To target our message demographically against those that we know to be heavy users.''

One such target is the poor. The charge that lotteries are regressive—that is, hitting lower-income residents the hardest—makes intuitive sense, since the pitch of wealthy fantasies clearly resonates most strongly among those who are least affluent. ''There's absolutely no question about it,'' says Charles Clotfelter, a Duke University economist and a leading authority on lotteries. According to a study by the Heartland Institute, a conservative think tank, the poor spend more money than the non-poor on lotteries—not only as a percentage of their income, but also in absolute terms. Blacks and Hispanics also tend to play more often than whites.

I worked two summers at an Ohio convenience store that sold lottery tickets, and my experience there confirms these findings. The store drew customers from all socioeconomic backgrounds, but lottery players

fell into distinct categories. On a normal day, the lottery patrons were mostly working-class blacks. When the jackpot for Super Lotto got sky-high, some wealthier folks joined the lines. But the staple customers—those who spent five, 20, or 40 dollars a day on daily numbers and scratch-off games—were the same people every day; not executives or store managers playing for kicks, but postal workers and retirees on Social Security. You'll see the same trend at almost any lottery outlet. You'll also notice that the same stores almost invariably sell liquor and cigarettes. Choose your poison.

The image of miserable working people magically transported to lives to wealth and ease is a staple of lottery ads. A billboard once placed in a slum of Chicago read simply: ''Your Ticket Out of Here.'' An ad for the D.C. lottery shows a man ''before'' the lottery—with matted hair, stubble on his face, and glasses—and ''after''—freshly washed and clean-shaven, wearing a tuxedo, and holding the program for a theater performance. The copy reads: Just One Ticket . . . And it Could Happen to You.'' And ad for the Michigan lottery shows a college kid piloting a Lear jet. Then it cuts to him daydreaming on the job at a fast food restaurant. ''Thirty new Lotto millionaires were created last year,'' the announcer states. ''Play the Lotto, and you could win the stuff dreams are made of.''

Lottery ads also go after gambling addicts, using a message tuned to their weaknesses. About 5 percent of the population is susceptible to compulsive gambling, according to Dr. Valerie Lorenz, executive director of the Compulsive Gambling Center in Baltimore. In many cases, she says, lottery ads help tip these people over the edge.

Remember Tom's greatest fear, that his number would fall on a day he hadn't bet? This is one of the defining characteristic of compulsive gamblers, and it's a button that lotteries push incessantly. ''Don't forget to play every day,'' the Pennsylvania lottery ad says. Many ads picture disheartened would-be winners whose numbers came up on a day they declined or forgot to play. One ad for Tri-State Megabucks (in New Hampshire, Maine, and Vermont), for example, shows a pathetic man grilling hamburgers on a fire escape, while scenes of wealth and granduer flash by. The theme is set to the tune of ''It Had to Be You,''

It could have been you.
It could have been you.
Countin' the dough.
Ready to go, on that three-month cruise.
Walkin' in style, down easy street,
Wearin' a smile, it could have been sweet.
But what can I say?
You just didn't play.
It could have been you!

The theme of magical, instant transformation also lures problem gamblers. ''They live in a very painful world,'' says Dr. Lorenz. ''They want to escape into fantasy, and they want it instantly.'' And, of course, the sheer regularity of the ads is a curse to addicts trying to stay on the straight-and-narrow. ''I hear this all the time from lottery addicts who are in recovery,'' Lorenz says. ''They'll cover their ears or their heads. They'll say, 'I wish I could leave the state.' But that wouldn't help. It's all over the country.''

The ads never mention the losers. Tom Cummings, executive director of the Massachusetts Council on Compulsive Gambling, told me about two women he has been counseling. ''One lost her house after going $40,000 in debt playing the lottery,'' he said. ''The other gambled away money that was supposed to pay for her daughter's education. All on the lottery.''

Lotteries aren't alone in suggesting that their product has magical qualities—that's the art of advertising. But lottery ads take a prize when it comes to their systematic distortion. Because the lotteries are chartered by state legislatures, they're untouchable by federal regulators and they consider state regulators their colleagues in public service. This allows lotteries to conceal the astronomical odds against winning and inflate the size of jackpots.

Consider a 1993 California radio spot profiling a lottery winner: ''John Padgett went to bed on Saturday night a regular guy,'' the announcer says. ''When he woke up, he was worth $11 million. That's because he's Super Lotto winner number 610.''

Well, not quite. Padgett did win an $11.5 million jackpot. But that's not worth $11.5 million. Any prize over a million dollars is paid out over 20 years. Padgett's annual payment came to $575,000. After taxes, the actual yearly award is worth around $400,000. And the lost value—due to both inflation ($400,000 will be worth far less in 2013 than it is today) and lost interest—is significant.

It may be hard to sympathize with someone receiving a $400,000 check every year. But this ad—and nearly every state uses a similar pitch—is clearly misleading. The government would never allow similar distortions from private sector advertisers.

Finance companies, for example, are explicitly forbidden to air commercials that feature investors who have earned vast sums of money with the message, ''It could be you.'' But lotteries do just that. ''I was probably going to have to go back to work to make ends meet,'' Kentucky lottery winner Denise Golden says in one ad. ''And now I won't have to. . . . It's a dream come true.''

Lotteries are also exempt from Federal Trade Commission truth-in-advertising standards and rules that, to give just one example, require contests and sweepstakes to clearly state the odds against winning in every advertisement. Omitting the odds is a crucial element of lotteries' media strategy, since they're trying to convince people that if they play long enough, they are certain to hit the jackpot. ''Sooner than later,'' says an ad for the West Virginia lottery, ''you're gonna win!'' ''We won't stop until everyone's a millionaire,'' the New York lottery promises.

A clue as to how far lotteries exceed the bounds that constrain other advertisers is indicated by a report from the National Association of Broadcasters issued in 1975. Three tactics seemed clearly out of bounds, the NAB concluded:

1. [Indicating] what fictitious winners may do, hope to do or have done with their winnings.

2. [Using] unqualified or inaccurate language regarding potential winners' winnings. (e.g. ''There's a pot of gold for those who buy lottery tickets''; ''Buy a ticket and be a winner.'')

3. [Utilizing] approaches which praise people who buy lottery tickets or denigrate people who do not buy tickets.

Today's lotteries hold themselves to no such standards. The only rule is to produce maximum profit. Even in Virginia and Texas, two states that forbid their lotteries to ''induce'' people to play, ads make gambling seem fun and glamorous. Missouri originally required all its lottery ads to include a disclaimer: ''This message . . . is not intended to induce any person to participate in the lottery or purchase a lottery ticket.'' The disclaimer was dropped in 1988. It was thought to be hurting sales.

Lotteries defend themselves against criticism by citing the revenue they raise. They also advertise to publicize their role in funding state projects. (Not only does this approach bolster political support, it's also a shrewd ploy to hook more players. Gambling is fun—and it's also a public service!)

Each state has its own slogan: ''When Colorado plays, everybody wins.'' ''The Missouri lottery: It makes life a little richer for all of us.'' The premise of these ads—and a crucial element of lotteries' popularity—is that money goes to improving favorite areas of state spending, like schools or parks. But this is a mere accounting trick. Ohio claims that its lottery revenue goes toward education, for example. ''But that doesn't mean that the budget for education grows by that much,'' David Gale explains. ''What happens is, the legislature budgets this much for education. They see the lottery will contribute this much. So they take the money they would have spent on education and put it to other uses.''

Most states avoid the fiction altogether and say outright that the money goes to the general fund. But that doesn't stop lotteries from claiming credit for the very best of state government. On its 20th anniversary, the Maryland lottery ran a series of ''public service'' ads. One pictured a nurse holding an infant, saying the baby would get better care because of the Maryland lottery. Another ad in the series gave credit to the lottery for the high school graduation of an inner-city black teenager.

It is true that lottery profits go to state treasuries. But so do taxes. Taxes are also honestly raised and reflect community decisions about how to fairly distribute burdens and responsibilities. In the current political climate, raising lottery revenue is a political virtue; raising taxes is political death. Naturally, politicians choose the easy route. New York Governor George Pataki recently announced plans for an enormous tax cut. He intends to make up the loss in revenue through the introduction of ''five minute keno'' in liquor stores and bars, which is expected to net the state $115 million per year.

Lotteries defend themselves by pointing out the obvious: No one is forced to buy a lottery ticket. ''I get so angry when people say they should decide how [others] should spend their money,'' says Teresa La Fleur, who publishes books and a magazine for the lottery industry. ''Unless we decide it's wrong to gamble, it's just a fact of life that people are going to make choices with their money.''

But states don't merely allow, or provide, gambling. They stimulate it. In addition to running ads, some states even conduct direct-mail campaigns, sending coupons for free tickets via mail. In a typical campaign, cited in ''Selling Hope: State Lotteries in America,'' by Clotfelter and co-author Phillip Cook, 35 to 40 percent of the coupons were redeemed for lottery tickets. One-third of those who redeemed the coupons were new players; one-third of these new players began to play regularly.

Considering the addictiveness of lotteries, these types of promotions are inexcusable. Of the nearly 40,000 calls to the Council on Compulsive Gambling in New Jersey last year, for example, 52 percent complained of addiction to lottery games. Imagine the outcry if Phillip Morris sent free packs of cigarettes through the mail.

In fact, the parallel between cigarettes and lottery tickets is uncanny. That's why both have been the subject of strict limits on advertising. Until 1974, when Congress repealed a ban on the promotion of gambling in the mass media, TV stations couldn't so much as mention winning numbers. Now, of course, TV is the most popular medium of advertising. Besides the many commercials, lottery drawings are televised and a number of states have half-hour game shows centered around the lottery.

Congressman Jim McCrery, a Republican from Louisiana, has introduced legislation requiring the Federal Trade Commission to impose truth-in-advertising standards on lotteries. That would be a start. But a more dramatic step—banning ads altogether—is in order.

Lottery ads don't just sell a product. They sell a way of life. One ad for the Washington state lottery shows a line of workers punching their time clock. ''The true joys in life,'' the announcer says, ''are not found in the empty pursuit of pleasure, but in the accomplishments realized through one's own hard labor. For nothing satisfies the soul so much as honest toil, and seeing through a job well done.'' Then the man at the end of the line takes his timesheet and throws it out the window. ''Of course, having a whole bunch of money's not bad either.''

When will public officials stop for a moment, and listen to what they're saying—that hard work and patience are for suckers, that civic virtue is a function of how much you spend on the lottery? ''Even in these cynical times,'' says Clotfelter, ''government has some moral capital. So when the government says, 'Children, stay in school'; 'Husbands, don't beat your wives'—these have some value to them. If you take that capital and use it [the way lotteries do], one has to ask, does this serve the intention of the state?''●

A TRIBUTE TO ELIZABETH NOYCE

● Mr. COHEN. Mr. President, I would like to take a moment to recognize one of my State's finest and most generous citizens. Maine has a long tradition of philanthropic largesse, but Elizabeth Bottomley Noyce must now rank among the most kind-hearted, generous and supportive Mainers in the State's history.

Earlier this summer, Mrs. Noyce purchased $19 million worth of property in downtown Portland. The property includes 6 acres of land, 3 office towers and some other buildings along Congress Street, in the heart of Maine's largest city. But she did not buy the property in hopes of doubling her investment and moving on. Instead, she did so in hopes of luring businesses, retailers, and shoppers back to downtown Portland.

Like so many downtowns across America, Portland's is showing some wear and tear. The trend of the last decade or two has been toward sprawling suburban malls with enormous parking lots and varied stores in one convenient, air-conditioned setting. And while malls have been, in many ways, a blessing in terms of convenience for the customer and business for the retailer, they have left a void in downtowns across the country.

The company that will manage the properties Mrs. Noyce purchased has indicated that it plans to refurbish some of the buildings and add more parking in the area in order to lure some of the cultural and economic vibrancy of southern Maine back to downtown Portland. That was Mrs. Noyce's goal in making the purchase—to make Portland's downtown as thriving and vital as possible.

Such a purchase would be a noteworthy event on its own. But what makes Elizabeth Noyce special is that the recent investment in downtown Portland is merely the latest in a long series of gifts to the people of Maine. Over the last decade, according to press reports, Mrs. Noyce had donated more than $50 million to a variety of Maine institutions and communities. Her $3.5 million donation, for instance, allowed for the construction of the Maine Maritime Museum, which attracts thousands of visitors every year to explore Maine's rich seafaring history. She has also given $5 million to the University of Maine, $1 million each to the Maine Medical Center and the Portland Museum of Art, and another $250,000 to the Eastern Maine Medical Center in Bangor—just to name a few recent gifts. And she spent $7 million in 1991 to start Maine Bank & Trust and help Maine businesses at a time when there was a full-fledged banking crisis in Maine. She helped restore financial confidence in the Maine banking industry and her bank has flourished as a result—today it has 100 employees and is approaching 10 branches.

Last year, she gave $1 million to Maine Public Broadcasting. But instead of just writing a check, she had five houses built on the Maine coast. The project generated more than just revenue—it generated jobs for Maine construction workers, builders, and designers. The money from the sale of the five homes went to Maine Public Broadcasting, but the investment was much larger than that simple donation. It is the same principle she intends to apply in downtown Portland.

None of these gifts were to garner newspaper headlines or capture statewide notoriety. Instead, they were simply gifts of a wonderful and generous spirit who believes very strongly in both the present and the future of Maine.

Elizabeth Noyce has become Maine's guardian angel—and our State is a much better place because of her.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Scot B. Gudes:									
Cape Verde	Escudo	16,650	204.00					16,650	204.00
Namibia	Rand	564.44	162.00					564.44	162.00
South Africa	Rand	2,698.48	758.00	5,572.96	1,565.44	383.05	107.60	8,654.49	2,431.04
Botswana	Pula	1,362.72	501.00	3,228.93	1,187.11			4,591.65	1,688.11
Morocco	Dirham	4,312.94	482.00	429.12	48.00	181.91	20.33	4,923.97	550.33
Total			2,107.00		2,800.55		127.93		5,035.48

ROBERT C. BYRD,
Chairman, Committee on Appropriations, June 9, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John S. McCain:									
Thailand	Dollar		213.00						213.00
Vietnam	Dollar		930.00						930.00
Burma	Dollar		282.00						282.00
Cambodia	Dollar		284.00						284.00
Singapore	Dollar		506.00						506.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 1995—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Salter:									
Thailand	Dollar		213.00						213.00
Vietnam	Dollar		930.00						930.00
Burma	Dollar		282.00						282.00
Cambodia	Dollar		284.00						284.00
Singapore	Dollar		253.00						253.00
Tom Moore:									
Croatia	Dollar		660.00						660.00
Serbia	Dollar		199.00						199.00
Germany	Dollar		186.00						186.00
Italy	Dollar		650.50						650.50
John Douglass:									
Croatia	Dollar		660.00						660.00
Serbia	Dollar		199.00						199.00
Germany	Dollar		186.00						186.00
Italy	Dollar		650.50						650.50
John Miller:									
Croatia	Dollar		660.00						660.00
Serbia	Dollar		199.00						199.00
Germany	Dollar		186.00						186.00
Italy	Dollar		650.50						650.50
Richard DeBobes:									
Croatia	Dollar		660.00						660.00
Serbia	Dollar		199.00						199.00
Germany	Dollar		186.00						186.00
Italy	Dollar		650.50						650.50
Total			10,959.00						10,959.00

STROM THURMOND,
Chairman, Committee on Armed Services, July 18, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Breaux:									
Cayman Islands	Dollar		400.00		794.95				1,194.95
Earl W. Comstock:									
Ireland	Pound	1,083.40	1,729.00					1,083.40	1,729.00
United States	Dollar				1,148.95				1,148.95
Thomas O. Melius:									
Ireland	Pound	928.63	1,482.00					928.63	1,482.00
United States	Dollar				1,273.95				1,273.95
Total			3,611.00		3,217.85				6,828.85

LARRY PRESSLER,
Chairman,
Committee on Commerce, Science, and Transportation, July 21, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest F. Hollings:									
Cape Verde	Escudo	16,650	204.00					16,650	204.00
Namibia	Rand	564.44	162.00					564.44	162.00
South Africa	Rand	2,698.48	758.00	5,572.96	1,565.44	383.05	107.60	8,654.49	2,431.04
Botswana	Pula	1,362.72	501.00	3,228.96	1,187.12			4,591.68	1,688.12
Morocco	Dirham	4,312.94	482.00	429.12	48.00	182	20.34	4,924.06	550.34
Ivan A. Schlager:									
Cape Verde	Escudo	16,650	204.00					16,650	204.00
Namibia	Rand	564.44	162.00					564.44	162.00
South Africa	Rand	2,698.48	758.00	5,572.96	1,565.44	383.05	107.60	8,654.49	2,431.04
Botswana	Pula	1,362.72	501.00	3,228.93	1,187.11			4,591.65	1,688.11
Morocco	Dirham	4,312.94	482.00	429.12	48.00	181.91	20.33	4,923.97	550.33
Total			4,214.00		5,601.11		255.87		10,070.98

ERNEST F. HOLLINGS,
Chairman,
Committee on Commerce, Science, and Transportation, June 7, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1, TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dave Garman:									
Germany	Mark	3,219.60	2,286.00					3,219.60	2,286.00
United States	Dollar				3,197.85				3,197.85
Shirley Neff:									
Germany	Mark	3,219.60	2,286.00					3,219.60	2,286.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1, TO JUNE 30, 1995—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				3,197.85				3,197.85
Total			4,572.00		6,395.70				10,967.70

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, June 20, 1995.

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Shirley Neff:									
Switzerland	Franc	2,080.20	1,602.00		511.04			2,080.20	2,113.04
Total			1,602.00		511.04				2,113.04

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, June 20, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Hank Brown:									
Israel	Dollar		280.00		305.00				585.00
Jordan	Dollar		200.00						200.00
Damascus	Dollar		256.00						256.00
Egypt	Pound	2,350.55	270.74					2,350.55	270.74
United States	Dollar				1,928.00				1,928.00
Poland	Dollar		325.45						325.45
United States	Dollar				402.00				402.00
Senator Paul Coverdell:									
Haiti	Gourde	1,759	117.00					1,759	117.00
Bonnie Coe:									
Lithuania	Dollar		327.00						327.00
United States	Dollar				1,901.75				1,901.75
Mike Dietrich:									
Haiti	Gourde	1,555	77.00					1,555	77.00
Peter Cleveland:									
South Korea	Won	115,800	150.00					115,800	150.00
Taiwan	Dollar		532.00						532.00
Burma	Dollar		141.00						141.00
Indonesia	Dollar		225.00						225.00
United States	Dollar				3,317.95				3,317.95
Edwin K. Hall:									
Croatia	Dollar		1,166.69						1,166.69
Serbia	Dollar		500.01		357.00				857.01
Italy	Dollar		333.30						333.30
United States	Dollar				2,670.65				2,670.65
Czech Republic	Koruna	18,953	740.00					18,953	740.00
United States	Dollar				3,333.15				3,333.15
Derek Schmidt:									
South Africa	Rand	2,524.40	701.22					2,524.40	701.22
United States	Dollar				6,085.25				6,085.25
Mike Haltzel:									
Germany	Dollar		850.00						850.00
Germany	Mark			199	147.41			199	147.41
Czech Republic	Koruna	14,350	560.00					14,350	560.00
Hungary	Forint	31,076	261.00					31,076	261.00
United States	Dollar				1,151.85				1,151.85
Michelle Maynard:									
Croatia	Dollar		1,266.69						1,266.69
Serbia	Dollar		700.01		357.00				1,057.01
Italy	Dollar		333.30						333.30
United States	Dollar				2,670.65				2,670.65
Senator Charles S. Robb:									
South Korea	Won	115,800	150.00					115,800	150.00
Taiwan	Dollar		532.00						532.00
Burma	Dollar		141.00						141.00
Indonesia	Dollar		225.00						225.00
United States	Dollar				5,293.58				5,293.58
Carter Pilcher:									
Israel	Dollar		280.00		305.06				585.06
Jordan	Dollar		200.00						200.00
Damascus	Dollar		256.00						256.00
Egypt	Pound	2,350.55	270.74					2,350.55	270.74
United States	Dollar				1,928.00				1,928.00
Anne V. Smith:									
Estonia	Dollar		560.00						560.00
Latvia	Dollar		465.00						465.00
Romania	Dollar		672.00						672.00
Slovakia	Dollar		473.00						473.00
Czech Republic	Dollar		630.00						630.00
United States	Dollar				2,936.55				2,936.55
Total			15,168.15		35,090.85				50,259.00

JESSE HELMS,
Chairman, Committee on Foreign Relations, July 25, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Glenn:									
Vietnam	Dollar		300.00				103.56		403.56
Thailand	Baht	10,594	425.98			7,792.02	313.31	18,386.02	739.29
Hong Kong	Dollar	5,626.80	728.00			4,710.21	609.42	10,337.01	1,337.42
France	Dollar						65.21		65.21
China	Yuan	4,822.20	564.00			1,994.97	233.33	6,817.17	797.33
Malaysia	Dollar		500.00				470.00		970.00
United States	Dollar				3,500.30				3,500.30
Senator David Pryor:									
Vietnam	Dollar		300.00				103.56		403.56
Thailand	Baht	10,594	425.98			7,792.02	313.31	18,386.02	739.29
Hong Kong	Dollar	5,626.80	728.00			4,710.21	609.42	10,337.01	1,337.42
France	Dollar						65.21		65.21
China	Yuan	4,993.20	584.00			1,994.97	233.33	6,988.17	817.33
Malaysia	Dollar						470.00		470.00
Daniel Bob:									
Peru	Sol	1,856.80	844.00					1,856.80	844.00
United States	Dollar				966.95				966.95
Total			5,399.96		4,467.25		3,589.66		13,456.87

JOHN GLENN,
Chairman, Committee on Governmental Affairs, June 21, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM APR. 1, TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Stephanie Sword:									
Germany	Dollar		850.00		557.65		100.00		1,507.65
Karen McCarthy:									
Germany	Dollar		750.00		547.65				1,297.65
Total			1,600.00		1,105.30		100.00		2,805.30

ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs, June 16, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Robert Kerrey			1,829.00		4,614.25				6,443.25
Christopher Straub			1,885.00		5,281.25				7,166.25
Peter Dorn			1,450.00		3,534.55				4,984.55
Gary Reese			1,436.00		3,454.55				4,890.55
Patricia Hanback			436.00		1,418.95				1,854.95
Edward Levine			436.00		1,418.95				1,854.95
Don Mitchell			155.00		1,366.95				1,521.95
Senator Mike DeWine			137.50						137.50
Senator Arlen Specter			139.50						139.50
Senator J. Robert Kerrey			153.15						153.15
Christopher Straub			268.00						268.00
Melvin Dubee			593.00						593.00
Total			8,918.15		21,089.45				30,007.60

ARLEN SPECTER,
Chairman, Select Committee on Intelligence, July 21, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE ARMS CONTROL OBSERVER GROUP FOR TRAVEL FROM MAY 28 TO JUNE 3, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mira Baratta:									
Austria	Schilling	4,942.62	486.00					4942.62	486.00
Switzerland	Franc	694	608.00					694	608.00
United States	Dollar				2,178.85				2,178.85
John C. Roots:									
Austria	Schilling	2,786.58	274.00					2786.58	274.00
Switzerland	Franc	694	608.00					694	608.00
United States	Dollar				1,695.85				1,695.85
Total			1,976.00		3,874.70				5,850.70

ROBERT J. DOLE, Majority Leader,
THOMAS A. DASCHLE, Democratic Leader, July 20, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM APR. 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Bryan:									
Sweden	Kronor	4,349.66	593.00					4,349.66	593.00
France	Franc	3,578.64	744.00					3,578.64	744.00
David Corbin:									
United Kingdom	Pound	612.05	984.00					612.05	984.00
United States	Dollar				837.15				837.15
Sharon Waxman:									
Jordan	Dollar		300.00						300.00
United States	Dolalr				2,659.95				2,659.95
Total			2,621.00		3,497.10				6,118.10

THOMAS A. DASCHLE,
Democratic Leader, July 19, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE DEMOCRATIC LEADER FROM JAN. 1 TO MAR. 31, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick J. Leahy:									
Ireland	Pound	348.78	542.00			258	400.93	606.78	942.93
Northern Ireland	Dollar		184.00						184.00
England	Pound	266.12	418.00					266.12	418.00
United States	Dollar				1,363.35				1,363.35
Timothy S. Rieser:									
Ireland	Pound	339.12	527.00			258	400.93	597.12	927.93
Northern Ireland	Dollar		184.00						184.00
England	Pound	218.62	343.39					218.62	343.39
United States	Dollar				1,363.35				1,363.35
Kevin McDonald:									
Ireland	Pound	342.34	532.00			258	400.93	600.34	932.93
Northern Ireland	Dollar		184.00						184.00
England	Pound	243.42	382.34					243.42	382.34
United States	Dollar				1,363.35				1,363.35
Total			3,296.73		4,090.05		1,202.79		8,589.57

THOMAS A. DASCHLE,
Democratic Leader, July 19, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM APR. 1 TO JUNE 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alan K. Simpson:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
Senator Trent Lott:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
Jan Paulk:									
Sweden	Krona	5,853.50	798.00					5,853.50	798.00
France	Franc	3,578.64	744.00					3,578.64	744.00
Total			4,626.00						4,626.00

ROBERT J. DOLE,
Majority Leader, July 24, 1995.

REMARKS OF LLOYD OMDAHL

• Mr. DORGAN. Mr. President, more than 30 years ago, President John F. Kennedy challenged us all to ''Ask not what your country can do for you. Ask what you can do for your country.'' Plenty of statesmen have come and gone since, and few have approached such eloquence. But I read a column recently in which the writer, former North Dakota Lt. Gov. Lloyd Omdahl, comes pretty close, if not in style, certainly in his message. He echoes President Kennedy's challenge at a point in our history when I think we need to get reacquainted with that challenge. His words remind each and every one of us about the depth of our responsibility to preserve and nurture our birthright—our Republic. Mr. President, I think Mr. Omdahl's remarks deserve the attention of the Senate, and I ask that his column be printed in the RECORD.

The column follows:

A REPUBLIC—IF YOU CAN KEEP IT

(By Lloyd Omdahl)

The Fourth of July represents the most patriotic time of the year when we celebrate the treasonous act of declaring revolutionary intentions against the government. It was okay because we won.

Just as important in United States history was the ratification of the U.S. Constitution and the creation of a democratic republic.

Shortly after the Constitutional Convention, Delegate Ben Franklin was asked: ''And what kind of government did you give us?'' To this he replied: ''A republic—if you can keep it!''

For over 200 years, we have kept the republic through a second war for independence, a traumatic civil war, a devastating depression and a variety of complex international conflicts. But just because the Republic has survived to this point does not give it automatic life eternal. Each generation must cope with the forces that would erode or destroy the system.

It is my thesis that the present populace is less prepared to preserve the Republic than prior generations.

Republics are citizen governments, which probably caused Franklin to express dubiousness about its future. No one really knew whether citizens could really successfully govern a large geographic republic.

As former U.S. Senator Mark Andrews once commented: ''A republic is a do-it yourself kit.'' The effectiveness with which it operates is dependent on whether or not citizens are willing to accept responsibility to ''do it'' themselves.

It seems that a number of basic prerequisites must be met to preserve a republic.

And we're losing them.

First, citizens must be well-informed. They are not. We now have an entire generation of citizens whose primary source of news has come from television—an entertainment medium designed to feed viewers entertainment and not news. This medium requires that news must be entertaining to attract and keep an audience thirsty for fun. Every TV personality claiming to offer news—from Sam Donaldson to Rush Limbaugh—is really offering entertainment disguised as news.

Second, citizens must be future-oriented. They are not. Citizens oppose fiscal responsibility and other policies that require short-term sacrifices for long-term benefits. They want present gratification. (The latest example is popular support for a 75-mile speed limit that would burn up the world's limited oil supply faster.)

Third, citizens must function primarily from a rational perspective. They do not. Reason has given way to paranoia, anger, hate and a cornucopia of psychologically-based responses. It is no longer possible to deal with serious issues on a cognitive level.

Fourth, citizens must be public-regarding, i.e. place some value on sacrifice for community and support for the organized society. They are not. Organizations and institutions are literally collapsing as people are withdrawing into their shells. In reality, we have been disassociating ourselves more and more from family, religious and community organizations. Community and civic life is dying.

The degree to which citizens are informed, future-oriented, rational and public-regarding is the degree to which the republic will function effectively. As we lose these qualities, the republic's effectiveness will decline.

Because of the growing shallowness of citizen concern with affairs of the republic, the republic becomes more vulnerable to demagoguery, deception and disorganization. Politicians with the simple, easy answers will be preferred to those insisting on difficult decisions and sacrifice.

Even though it is over 200 years old, the future of the Republic is still conditional. Ben Franklin's big ''if'' should hang over us as a warning that republics have fallen in the past and this one will also go if citizens aren't willing to assume the perspective and commitment it takes to make the system work.

It's our republic—if we can keep it.●

RECOGNIZING TED BONDA

Mr. LAUTENBERG. Mr. President, over a period of years, one comes to know a great many people, some of whom make an impression, some of whom fade from memory.

It was some years ago that I met Ted Bonda. He made an impression. And over a period of years, we have remained in touch. Ted has had an unusual career. World War II interrupted his education and he never graduated from college, until recently when Cleveland State University awarded him an honorary degree. My hat's off to them.

Although Ted was not a college graduate, he was a member of the Cleveland Board of Education for 5 years and president for 3 of those 5, an extremely challenging position. He also served as a member of the Ohio State Board of Regents for 9 years, 4 of which he served as its chairman, as well as 4 years as chairman of the Board of Fellows at Brandeis University, and a member of its board for more than 20 years.

But his community involvement was far greater than his educational involvement. Ted was a great lover of baseball who saved the Cleveland Indians from leaving the Cleveland community. He personally took over the leadership and the financial commitment to save the Indians who, as of today, are leading the American League Central Division by 18½ games.

His baseball exploits were recently described in the Cleveland Plain Dealer in an article by Russell Schneider called, ''The Man Who Saved the Tribe.'' His generosity, compassion and old-fashioned goodness have been beautifully described in the same paper by Herb Kamm, former editor of the Cleveland Press. And the warm feeling of the Ohio Board of Regents for him is aptly described in a Plain Dealer article by Lou Mio in which the Board of Regents ''called upon its accomplished and learned former chairman to deliver on his longstanding promise'' to provide tickets the next time the Cleveland Indians play in the World Series. Bonda told them that at a time when a World Series for the Indians looked possible.

Ted Bonda has indeed made an impact. He is the kind of human being that every city in this country would be proud to have as a part of its leadership.

Mr. President, I ask that each of the articles be printed in the RECORD.

The articles follow:

TIME TO COLLECT—REGENTS TELL TED BONDA TO COUGH UP PROMISED TRIBE WORLD SERIES TICKETS

(By Lou Mio)

Alva ''Ted'' Bonda had a running joke during his nine years on the Ohio Board of Regents.

It went like this: ''The next time the Cleveland Indians play in the World Series, you are all invited.''

Ha, ha. Fat chance.

''He probably invited several thousand people during his nine years here,'' said William Napier, the board's vice chancellor. ''Some people thought he was serious. Some did not.''

Bonda, a former president of the Cleveland school board, had more than a hometown fan's interest in the Tribe. He owned the club in 1977 and 1978. But no matter. The Indians hadn't been close to the World Series since 1954.

Seen the American League standings lately? The regents have. That's why they unanimously adopted a resolution Thursday concerning Bonda. He had served four years as regents chairman, leaving the board in 1993.

First, they congratulated Bonda for his honorary degree from Cleveland State University and for his ''irrepressible faith in his beloved city, its people and its baseball team.'' Then they got to the serious stuff.

''The Ohio Board of Regents hereby calls upon its accomplished and learned former chairman to deliver on his longstanding promise; and . . . expresses its deep appreciation to Professor Bonda for the tickets—and for the instructive lesson . . . that good things do indeed come to those who wait.''

Napier said he has Indians home and away baseball caps. ''I'm ready as soon as I hear from him.''

Bonda enjoyed a hearty laugh when he learned of the resolution.

''I told them every year for nine years because it was safe,'' Bonda said. ''But this year I told them I can't do it. This year they really are going to win.''

[From the Cleveland Plain Dealer, June 12, 1995]

THE QUALITY OF THE MAN

(By Herb Kamm)

Cleveland State University has measured Ted Bonda for an academic cap and gown, but it will take more than a piece of tape to measure the man.

CSU recognized a lifetime of good deeds by awarding Bonda an honorary doctorate of humane letters at its graduation ceremonies Sunday afternoon.

Humane? Bonda has ennobled the word. He is a towering figure of generosity, compassion and old fashioned goodness. He is truly a favorite son.

It may be trite to say so, but in honoring Ted Bonda, CSU honors itself. The recognition is long overdue, and it is to CSU's credit that it has taken upon itself to correct this omission.

Ted—they named him Alva Theodore at birth 78 years ago in the Cleveland he has loved and nutured—has had a thing about education, possibly because his own formal schooling ended with his graduation from Glenville High School.

But it goes beyond that. Bonda sees learning almost as important to life as bread. It explains why, at a time when he could well have luxuriated in retirement, he took on the onerous duties of president of the Cleveland Board of Education; why he served on Ohio's Education 2000 Commission and the Ohio Board of Regents; why he has given so much of himself to Brandeis University as president of its National Fellows and a member of its board of trustees.

The great Depression saw to it that Bonda never went to college. But there are those who are endowed by Providence with compensating virtues: good sense, good judgment, good instincts. Ted is among them.

He of course has his critics. He brought so much passion to his role as president of the Cleveland Board of Education in the early '80s that he offended almost all his colleagues at one time or another.

Surely he has irritated others in pleading and fighting for his causes. Bonda tends to be impatient with those who are slow to see things as he sees them or to join his crusades.

And it stands to reason that he had his critics and rivals in business. A man doesn't lift himself up by his bootstraps, or make the journey from poverty to wealth, without courting controversy. But such foibles should matter little against Bonda's record of caring and doing, of his countless contributions to the civic and charitable missions of this community and some beyond it.

He has been known to step in where angels fear to tread, as when he was inspired, during his tenure as president of the Indians, to name Frank Robinson as the first black manager in major league baseball; as when he broke down another barrier and brought Fred Holliday to Cleveland as superintendent of schools.

Both deeds typified a commitment Bonda must have made early in life, because those

who know him have never known him to flinch in the face of prejudice.

The citation Bonda received, as the title of doctor is conferred on him, speaks of his ''outstanding accomplishments in commerce,'' his ''unwavering support of education'' and his ''tireless efforts to make Cleveland a better place.''

Dr. Bonda has done it all, and then some.

[From the Cleveland Plain Dealer, June 8, 1995]

THE MAN WHO SAVED THE TRIBE

(By Russell Schneider)

If you're old enough to have been a fan of the Indians in the 1970s—make that the dreadful 1970s—surely the name Alva T. ''Ted'' Bonda will ring a bell.

And if you're not of that vintage, you are hereby notified that had it not been for Bonda's efforts and perseverance during those frustrating seasons from 1972–77, not only would the current Indians not be doing as well as they are, they also would not be the Cleveland Indians.

By the same token, neither would we have that downtown jewel called ''Jacobs Field,'' or even Gateway's neighboring Gund Arena.

It was Bonda who pledged his personal finances and agreed to take command of the faltering franchise as its chief operating officer in 1973 when the club was not only insolvent, but also teetering near bankruptcy under the inept Nick Mileti.

As it was reported to the 50-plus investors/partners in the ownership of the Indians at the time, the club's losses were $500,000 in 1972, $1.4 million in 1973, $500,000 in 1974, $1.1 million in 1975, $680,000 in 1976 and $1 million in 1977 for a not-so-grand total of nearly $5.2 million.

Despite the red ink that threatened to drown the franchise, it was Bonda who steadfastly refused to consider selling the club to Donald Trump, the wealthy New York developer.

Bonda insisted that Trump and other vultures offering to buy the sick franchise sign an agreement that they would keep the Indians in Cleveland. They all declined.

Thus, Bonda was stuck with the franchise, so to speak, and made the best of it, as Art Modell, then the Indians' landlord, acknowledged in a 1978 speech:

''The man (Bonda) is a miracle worker. He was able to successfully employ his talents to keep the banks and other creditors from closing in. He was able to sell small pieces of the partnership interests to new people to keep pumping the club with an infusion of capital.

''When a franchise—any kind of a sports franchise, be it baseball, football, basketball, hockey or what have you—is in trouble as the Indians were for so long, the quickest way to cure the trouble is to move it, or sell it and allow it to be moved.

''History is full of franchises moving to greener pastures, and as long as there is a New Orleans or a Washington—any major city with an empty stadium—there's always the prospect that somebody will come along and lift your franchise, move it away.

''But Ted Bonda never let that happen. No matter how dire the straits were, and they were very dire, he was able to keep the sheriff from the door, to keep juggling all the balls until something could be done.

''Above all, Bonda did an outstanding job of keeping the Indians franchise in a condition that would allow a new group to come in and take over,'' and keep the team in Cleveland.

Which is what happened on Feb. 3, 1978, when native Clevelander F.J. ''Steve'' O'Neill purchased control of the franchise, ensuring it would remain in Cleveland.

When O'Neill died in 1983, his estate sold the club in 1986 to Richard Jacobs, under whose ownership the franchise has flourished, financially and artistically.

All of which is relevant now because, on Sunday, Cleveland State University will bestow the honorary degree of doctor of humane letters upon Alva T. ''Ted'' Bonda.

It is an honor well-deserved by a 78-year-old guy who was too poor to go to college, whose business career began as a clerk in a shoe store and as a parking lot attendant, and who became one of the most influential civic and political leaders in Ohio—as well as having saved the Indians for Cleveland in the '70s.

And if—when?—the Indians win the American League pennant, or even the A.L. Central Division championship, I can't think of anyone who'd be more deserving of the honor of throwing out the ceremonial first pitch than Ted Bonda.

Without his involvement 20 years ago, there probably wouldn't be major league baseball here.

P.S. In view of his recent and ongoing ''no-threat'' threat to sell the Browns and allow them to be moved to another city if taxpayers don't renovate the Stadium for his team, it would be prudent for Art Modell to re-read the comments he made in 1978 praising Bonda.

ORDERS FOR SATURDAY, AUGUST 5, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:30 a.m., August 5, 1995; that following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to the immediate consideration of H.R. 2020, the Treasury, Postal appropriations bill.

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

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, following the opening statements on the Treasury, Postal appropriations bill, at 9 a.m., the Senate will begin 3 hours of debate on a committee amendment. All Senators can expect votes on or in relation to the postal appropriations bill or the DOD authorization or the Interior appropriations bill during Saturday's session. All Senators are reminded that a cloture motion was filed on the DOD authorization bill, therefore all first-degree amendments must be filed by 1 p.m. on Saturday.

If there is no further business——

Mr. HARKIN addressed the Chair.

Mr. DOLE. Does the Senator want to speak?

Mr. HARKIN. I would just like to make a statement.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. DOLE. I have the floor. I will put it in the final unanimous-consent request.

Mr. HARKIN. Five minutes.

ORDER FOR RECESS

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent after the Senator from Iowa is recognized for 5 minutes, that the Senate stand in recess under the previous order.

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

The Senator from Iowa is recognized for 5 minutes.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 1996

Mr. HARKIN. Mr. President, with all due respect to the majority leader, last year I remember standing on this floor about this time when we had one of the most important measures ever to confront the American people before the Senate on whether or not we would have a health care bill to address the real needs of people in this country. And my colleagues on the other side would not permit us to vote on it. Last year we were here trying to pass a health care bill of extreme importance to the American people, trying to hammer it out, trying to work out our differences. A lot of people here had travel plans to take their families on vacation. It got canceled.

Our colleagues on the other side of the aisle would not permit us to reach a conclusion of that health care bill. Amendment after amendment after amendment after amendment—they would not let us reach a final conclusion on the health care bill.

Oh, but now, now when the Pentagon bill is before us, when we want to abrogate the ABM Treaty, when we want to throw more lard, as my colleague from North Dakota said the other day—he said he cannot call it pork, that does a pig a disservice—putting in $7 billion more than what the Pentagon wanted.

Oh, no, now we have to reach a conclusion on this. We cannot have the time to debate our amendments in full and open debate. Rush to judgment. Close it off. And threats that somehow we are going to be here until the 19th, 20th, or whatever.

I say to the distinguished majority leader, we heard that last year when the shoe was on the other the foot.

Mr. DOLE. We were here, too.

Mr. HARKIN. And the other side would not let us vote on the health care bill. They kept rolling out those amendments one after the other. Oh, but now there is something wrong with our side if we want to legitimately debate and amend this pork barrel bill, this bill that puts up walls that says you cannot take any money out of the Pentagon to help educate our kids, to help care for the elderly, to help put a little heat in the homes of our elderly people. No, we cannot do that, we put a wall around it.

Now they tell us we cannot debate it fully and fairly? I have amendments on this bill that I want to debate, having to do with space-based lasers and Star

Wars and, yes, I want to debate the amendment offered by the Senator from Colorado with whom I happen to agree. But, no, we are told we have to close it down or we are going to be held here all during August.

Well, Mr. President, this Senator canceled his vacation with his children last year because the other side kept us here and would not let us pass the health care bill. If this Senator has to cancel this August because we need to make a better bill for the defense of this country, to save our taxpayers some billions of dollars, to make sure we do not go off on some insane path of abrogating the ABM Treaty, of building more missiles, if that is the price we have to pay, then let us stay here and let us debate this bill and let us amend it and let us have a better defense bill for this country than this pile of lard that we have before us.

I yield back my time if I have any left.

RECESS UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until Saturday, August 5, 1995, at 8:30 a.m.

Thereupon, the Senate, at 11:48 p.m., recessed until Saturday, August 5, 1995, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 4, 1995:

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE.

To be admiral

ADM. WILLIAM O. STUDEMAN, 000–00–0000

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE.

To be vice admiral

VICE ADM. NORMAN W. RAY, 000–00–0000

EXTENSIONS OF REMARKS

BROWNFIELDS LEGISLATION INTRODUCED

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. BROWN of Ohio. Mr. Speaker, today, I am introducing legislation along with my colleagues Mr. DINGELL of Michigan, Mr. GEPHARDT of Missouri, Mr. BORSKI and Mr. KLINK of Pennsylvania, Mr. RUSH of Illinois, Mr. STOKES of Ohio, and Mr. MANTON and Mr. TOWNS of New York, to address the dire need for the development of so-called Brownfields.

Those of us who have seen industries come and go in our congressional districts know the problems resulting from land that had been used for industrial purposes which is now abandoned—left barren and often contaminated—with no hope of productive use. Our legislation will address this problem in four important ways.

First, the bill would establish a grant program for local communities to use to determine the extent of the contamination of the property. While many sites could be re-developed with a minimal investment, local communities cannot be sure of this until the assessment is done. This bill offers these communities an opportunity to assess the situation so that prompt action can be taken to clean up the site.

Second, this legislation would establish a revolving loan fund for local governments to fund the actual clean-up actions. Mr. Speaker, we know it is essential that we be fiscally responsible in the development of new Federal programs. For this reason, we established a loan program for the local governments to assist them in getting the land to a place where it will begin to produce revenue. But we require the loan to be repaid over 10 years—a time frame which allows them the opportunity to begin to recoup their investment.

Third, the bill would protect the purchaser of such properties as long as the purchaser does due diligence to find the problem and cooperate with the clean-up response. Under the current Superfund law, purchasers could be liable for clean-up even if they did not own the land when it was polluted. This provision should help attract new purchasers to these lands and encourage the voluntary clean-up of sites.

Fourth, and finally, the bill would protect the lending institutions from becoming the deep-pockets at sites where their participation was limited to the lending of money. Unfortunately, the current laws has allowed innocent lenders to be held liable for the clean-up of properties for which they provided the financial backing and nothing more. It is contrary to the intent of the Superfund Program to discourage voluntary clean-up actions such as those that would be backed by financial institutions. Yet, that is the result of the current law. Institutions are afraid to lend the financial backing when they could be held liable for millions in clean-up costs.

Mr. Speaker, I believe our legislation will provide a boost in the arm to local communities across this nation which are struggling to re-create productive properties. It will revive local economies, reduce threats to public health and improve the environment. I hope my colleagues will offer their support by co-sponsoring this bill.

A TRIBUTE TO KANWAL SIBAL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GILMAN. Mr. Speaker, during the past 3 years the relationship between the United States and the Government of India has dramatically improved. India is no longer a country with which our Government has a reserved relationship. It is now a nation which is one of our Nation's major emerging markets. There are many reasons for the improvements in our relationship with India.

Prime Minister Narashimha Rao has embarked on a bold economic reform program which has made our Nation India's largest trading partner. India's Finance Minister, Man mohan Singh, has worked tirelessly to build economic bridges between the Indian consumers and important American companies. Our diplomatic relationship with India will only succeed, however, if the Indian Embassy successfully conducts its relationships with the Congress, the State Department, and other agencies of our Government. During the past 3 years the Indian Embassy has been an important player in our nearly improved relationship with the world's largest democracy.

Mr. Speaker, Kanwal Sibal has served in Washington with distinction for the past 3 years as the Deputy Chief of Mission. Prior to coming to Washington, Kanwal Sibal served as India's Ambassador to Turkey. Now, with the completion of a successful tour in Washington, Kanwal Sibal is about to become India's Ambassador to Egypt.

Mr. Speaker, I know many of my colleagues join with me in congratulating Kanwal Sibal for the successful completion of his assignment to Washington. I call to the attention of my colleagues an article which appeared in the July 14, 1995, edition of News India-Times regarding Kanwal Sibal's years here in Washington. I know my colleagues will agree with the praise accorded to Ambassador Sibal. Kanwal Sibal will be missed in Washington, but I am certain he will ably represent his nation in Cairo and I request that the attached News India-Times article be printed at this point in the RECORD:

[From the News India-Times, July 14, 1995]

SATISFACTION AT THE END OF A SUCCESSFUL INNINGS

(By Tania Anand)

WASHINGTON.—''The canvas is huge, the players numerous. No embassy or government can be in control all the time. One has to be genuinely modest about making any claims or reordering India-US relations.'' The man reflecting is Kanwal Sibal, deputy chief of mission at the Indian embassy. Having completed three years as the chief of the IFS battery in Washington, Sibal will make way for Shyamala Cowsik, who takes his place on September 1.

In an extensive interview with News India-Times at the end of an eventful term which saw India move from an inconsequential point outside the US radar screen to a centerpoint as one of the foremost Big Emerging Markets identified by the US government, Sibal was modest about his role in the transition.

''A lot of our progress is thanks to policies back home. My role, as part of the team, has been essentially consolidating on the positive trends that are occurring.'' Following are excerpts from the interview, conducted in two sessions in his office last week.

On Indo-US relations when he assumed office in September 1992: There were a lot of uncertainties in our relationship. There was a lack of confidence in US intentions toward India. We were feeling US pressure specially on the nuclear proliferation issue and within a few months on human rights. There were sanctions on ISRO the technology transfer issue culminated in pressure on Russia to cancel the cryogenic engines, there was concern on intellectual property rights. There was pressure from Congress on Kashmir and Punjab and generally on human rights.

The atmosphere in relations between the two countries became even more difficult by statements made on Kashmir which seemed to suggest a reopening of the accession question there was a third party to the Indo-Pak dialogue on Kashmir.

The economic reforms process was not more than a year old and had not begun to register either at the government or at the business level. From the government point of view India was not blinking on the US radar screen. It was very difficult to get the attention of the policy-makers.

On relations today in general: Today on all fronts the scenario is much better. It has obviously been a team effort where everybody has contributed. Yet having said that I will take some credit for the contribution.

Our relationship with the US is highly complex. The US is the world's foremost power, we are not. In many areas, the US holds the strong hand vis-a-vis all countries. This makes the task of dealing with the US a challenging one. The decision making process here is complex. The capability of innumerable agencies to block a decision here has to be understood. These non-governmental agencies are powerful but from our point of view irresponsible. They do not think in a narrow agenda and push it to the maximum. Yet the overall atmosphere has improved vastly.

On nuclear proliferation: We have certainly made significant advance in persuading the American side that India's security dilemmas cannot be adequately dealt with within the India-Pakistan or South Asian framework. The US is no longer persisting with a proposal that would limit the nuclear no-proliferation dialogue to just India and Pakistan. There have been no new pressures on India on the NPT front despite its indefinite extension.

Mode of communication: A significant advance following Strobe Talbott's visit to

India was to take the dialogue on issues away from the glare of publicity. The US government recognizes today that public pressure on India will not help.

On human rights: There has been a significant change in the US public position on human rights in India and the tone of comments. They publicly recognize the significant work done on this front in India and the National Human Rights Commission has been well received.

On the India-Pakistan issues: We might have wanted the US to be more positive in its support for Indian positions and more willing to take pubic and official cognizance to Pakistan's continuing support to terrorism in India. The US has acknowledged the fact that India has made serious and genuine efforts at dialogue on Kashmir. They are also willing to acknowledge that elections would be a good route to follow in promoting democratic processes.

They have not supported Pakistani efforts at New York or Geneva to move resolutions against India. The kind of negative statements that were being made by some elements on the US side have not been reiterated—there is a greater sense of measure in comments being made. The joint statement between President Clinton and Prime Minister Rao clearly said all issues between India and Pakistan should be resolved bilaterally.

On transfer of technology: The ISRO sanctions have not been renewed. Yet on the issue of transfer of technology more work needs to be done. Still, we have moved from a position where we were deeply concerned to a dialogue.

On relations with the Congress: We have made a very major advance in our relationship with individual Congressmen and Senators and in the general mood of Congress.

The India caucus which was the first individual country caucus on the Hill is a big asset. It is bipartisan with 61 members and gives us a platform on which to build our relationship with the Congress. The crowning success of the caucus has been the recent defeat of the Burton amendment which was sprung upon the House with no lead time. It was the sustained contact with the Congress and the Indian-American community that helped defeat the move.

On the economic relationship: Certainly, India has begun to blink on the U.S. radar here. Five high-level visits in one year is unprecedented—four Cabinet level visits plus the visit of Mrs. Hillary Clinton. It has led to others wondering what this signifies in Indo-US relations.

We have been working closely with the India Interest Group to give it a certain profile, getting incoming visitors from India to meet them as a group and also getting them high-level appointments when they visit India. We have also been trying to forge a close working relationship between the India Interest Group and the India Caucus to make them mutually reinforcing.

On defense ties: It has been our effort to build a closer relationship with the Pentagon because during the Cold War the fact that the Pentagon was neglected has not helped our overall relationship. It has been our conscious effort to develop greater links with Pentagon and there has been a substantial improvement in our dialogue with them on various issues.

On India's lobbyist: It has been both a process of learning and achievement. It was a new experience, starting from scratch, and has resulted in a multiplier effect of our own efforts.

On relations with Indian-American community: We have vastly improved the mechanics of interaction with the Indian-American community for grassroots campaign. We have developed a list of important Indian-Americans who have credible political links and supply them regularly with information on developments in India and Indo-U.S. relations. Over the last three years we have taken several steps to transform what was earlier a disorganized and unfocused effort into a highly systemized and focused effort.

TITLE X OF H.R. 2127

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Ms. MCCARTHY. Mr. Speaker, today I walk with my head held high and with great pride as a Member of the U.S. House of Representatives. Last night Members from both sides of the aisle stood together and said to families across this Nation that their Government does support title X funding. Title X is part of the Public Health Service Act, sponsored by then-Congressman George Bush, and signed into law by President Nixon in 1970. I am proud to be a part of a majority in the U.S. House of Representatives with the common sense to set family planning funding as a priority.

The title X program has been reauthorized six times since 1970 and has always received broad bipartisan support. The 104th Congress has put aside partisan politics and restored adequate funding for family planning and health care services. In my district, title X means women can afford preventive health services like pap smears and gynecological exams. In my district, title X means women can afford vital pre- and neo-natal health care to prevent problems with pregnancies. In my district, title X means women can afford contraceptive health services to prevent unwanted pregnancies. In my district, title X means men can afford screening tests for prostate cancer. In my district, title X means that a woman's income level will not control her health or that of her family.

Mr. Speaker, at the end of this week, when I return to my district for the August work period, I can tell the women of Jackson County MO, that the House is committed to their family planning and health care needs. I can now go back to my district with pride for the work this body has done to preserve a 25-year commitment to the families of this Nation.

It is unfortunate, however, Mr. Speaker, that I will be unable to tell my constituents that I voted for the overall Labor-HHS-Education Appropriations bill of which title X is a part. The measure contains extreme and unfair cuts to valuable, proven programs that educate children, invest in working people, and protect our Nation's health and safety. We must invest in our country's future by supporting education and training to promote long-term economic growth and higher living standards. We must continue to invest in programs like Cradles and Crayons that benefit our children. I regret that this bill does not represent the priorities Jackson Countians want.

OSTEOPOROSIS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mrs. MORELLA, Mr. Speaker, osteoporosis is a major public health problem affecting 25 million Americans, 20 million of whom are women. The disease causes 1.5 million fractures at a cost of $10 billion annually in direct medical expenses. One in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. A woman's risk of osteoporosis is equal to her combined risk of contracting breast, uterine and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass was detected early and treated. However, identification of risk factors alone cannot predict how much bone a person has and how strong or weak bone is. Experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed—an unacceptable diagnostic error rate.

Unfortunately, Medicare's coverage of bone density tests is inconsistent. The program covers several types of tests such as single photon absorptiometry, measurement of the wrist and radiographic absorptiometry, hand; however, it leaves the decision to the Medicare carriers whether to cover quantitative computed tomography, spine, and dual energy x-ray absorptiometry or DXA—spine, hip, and total body—one of the most common methods used by scientists. The Food and Drug Administration has approved all of these methods except the radiographic absorptiometry.

Medicare covers DXA in 42 States, while parts of four additional States are covered. This leaves four States and the District of Columbia without coverage. A national average allowable charge of $124 was established for DXA by the Health Care Financing Administration this year, yet a national coverage decision does not exist.

Inconsistency of coverage policy is confusing and unfair to beneficiaries. If a Medicare beneficiary lives in Florida, DXA is covered; if she lives in New Jersey, it is not covered. If she lives in Baltimore County in Maryland, it is covered; if she lives in Montgomery County, MD, it is not covered.

Today, I am introducing a bill, together with Congresswomen NITA LOWEY and EDDIE BERNICE JOHNSON, as well as 10 other original cosponsors, to standardize Medicare's inconsistent coverage of bone density tests—the only sure method to determine bone mass and avoid some of the 1.5 million fractures caused annually by osteoporosis. The bill would also clarify that Medicare will cover other scientifically proven techniques to detect bone loss, such as biochemical markers. These inexpensive lab tests can be important adjuncts to bone mass measurement in the effort to detect and treat individuals who are at risk of osteoporosis. Considering that bone density tests are already covered by a large majority of the Medicare carriers, this bill will not add significantly to the costs of the Medicare program.

I urge my colleagues to join us in introducing this bill to help women and men prevent fractures caused by osteoporosis.

HONORING CAPT. DEAN O. TRYTTEN ON HIS RETIREMENT

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. INGLIS. Mr. Speaker, today I pay tribute to an outstanding naval officer, Capt. Dean O. Trytten, who is retiring from the U.S. Navy after 30 years of distinguished service. It is a pleasure to share with my colleagues just a few of his many accomplishments.

Captain Trytten, raised in Lake Mills, IA, enlisted in the Navy in 1965 and was commissioned through the Navy's NESEP Program. He was selected for the Navy's NESEP Program while a student at Nuclear Power Training School in Windsor, CT.

A dedicated student, Captain Trytten received his bachelor of science degree in electrical engineering from North Carolina State University [NCSU]. Later, he returned to school, and in 1982 he earned his master of science in mechanical engineering from the naval post graduate school in Monterey, CA. Captain Trytten was also awarded the prestigious ''Top Snipe'' award at SWOS Department Head School.

Captain Trytten's initial sea assignment was to the U.S.S. *Cannole* (DE 1056), where he served as main propulsion assistant. Subsequent sea tours included repair officer/engineering officer on the U.S.S. *Portland* (LSD 37), engineering officer on the U.S.S. *Joseph Hewes* (FF 1078) and maintenance manager/service life extension program [SLEP] coordinator on the U.S.S. *Independence* [CV 62].

During a period of rapidly changing force structures and declining resources, Captain Trytten served as ship superintendent at Philadelphia Naval Shipyard for the SLEP of U.S.S. *Forrestal* [CV 59], repair officer at SIMA San Diego, force maintenance officer at COMNAVSURFPAC, ship modernization and maintenance branch head at OPNAV, and most recently distinguished himself through exceptional meritorious service as special assistant for quality at the NAVSEA Inspector General's Office.

Captain Trytten has been awarded many decorations, including four Meritorious Service Medals, the Navy Commendation Medal, Battle Efficiency ''E'', Good Conduct, and two National Defense, Humanitarian Service, and Sea Service Medals. Captain Trytten's accomplishments during his service are in keeping with the finest traditions of military service and reflect great credit upon him and the U.S. Navy.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Capt. Dean Trytten on this momentous occasion. As Captain Trytten retires to Greenville, SC, I take this opportunity to express my gratitude for his faithful and dedicated service to the U.S. Navy and wish him my sincerest best wishes upon his retirement.

A CALL TO REPEAL GOALS 2000

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. CALLAHAN. Mr. Speaker, as the House considers the Labor, Health and Human Services, and Education appropriations bill, considerable attention will be devoted to the issue of education. America's schools will only improve if Federal and State Governments stop burdening schools and teachers with regulations and instead give them the freedom to experiment and change. Flexibility and innovation are key elements of genuine education reform, not centralized and rigid Federal rules. The provisions of Goals 2000 do not coincide with our efforts to shift more power to the States, and I believe that funding for this program should be discontinued. At this time, I would like to submit a joint resolution on behalf of the Alabama State Legislature calling for the repeal of Goals 2000.

H.J.R. 353

Whereas, Goals 2,000: Educate America Act and related implementing legislation, ESEA Reauthorization Act, P.L. 103–382, which was passed by the Congress in 1994, require the federalization called restructuring of America's educational system; and

Whereas, the act for the first time in American history, provides a framework to establish national education goals, with the power in federal, state, and local rules; and

Whereas, this federalization which Goals 2,000 describes 101 times as voluntary, is in effect involuntary because it requires that for a state to receive any federal funds, including Chapter 1 funds, a state must submit to national content standards, national student performance standards, federally approved state assessments testing to cover all students regardless of where they are educated, federally approved control of information through technology plans in all programs, federally approved school readiness programs which will necessitate home inspections mandatory community service, school to work programs directing all businesses to require certificates of mastery for all workers, and government oversight of the family; and

Whereas, this federalization also mandates equalized spending per pupil for a state, local, educational agency, or school; and

Whereas, the Alabama Legislature last year rejected outcome-based education; and

Whereas, the federal government does not have the legal constitutional authority to implement a national curriculum or otherwise to usurp state rights; and

Whereas, American education has been effective when it has taught the basic under local control; and

Whereas, supervision and education of children must remain the right of parents, and the Goals 2,000 required parent contracts negate this parental authority; Now therefore be it

Resolved by the Legislature of Alabama, both Houses thereof concurring, That the Legislature calls upon the Alabama Congressional Delegation to repeal Goals 2,000 in order to reverse the power it gives to the federal government; and be it further

Resolved, That a copy of this resolution be sent to each Alabama Congressional member.

REMEMBERING OUR HMONG ALLIES

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. RADANOVICH. Mr. Speaker, 1995 marks the 20th year since the fall of Long Chieng, the CIA headquarters in Laos, where the Secret War was staged.

The Hmong suffered tremendous casualties as a direct result of their alliance with the United States during the Vietnam War. The Hmong heroically acted as our counterinsurgency force for over 10 years fighting some of Ho Chi Minh's best divisions to a standstill. These courageous actions disabled North Vietnamese forces, preventing them from waging war with Americans in South Vietnam.

Mr. Speaker, I call my colleagues' attention to Jane Hamilton-Merritt's article that appeared in The New York Times and urge that we remember our former Hmong allies who are now refugees of the Secret War. At this point, I wish that the article be inserted into the RECORD.

[From the New York Times, June 24, 1995]

REFUGEES OF THE SECRET WAR

(By Jane Hamilton-Merritt)

Buried in the sweeping foreign aid package passed by the House on June 8 is an amendment that could rescue thousands of desperate refugees. The amendment would end the forced repatriation of Hmong refugees in Thailand to Communist Laos, where they face persecution by a Government with one of the worst human rights records in the world.

The Senate should preserve this amendment when it takes up the bill, later this summer. It is the least Washington can do for the Hmong. They are being persecuted in part because they were persecuted in part because they were valuable allies in America's ''secret war'' in Laos that accompanied the war in Vietnam.

Perhaps 30,000 Hmong are trapped in Thailand in refugee camps and in jails, and some have spent years in hiding. Many are military veterans who were recruited and trained by the C.I.A. to fight North Vietnamese troops in Laos. An ethnic minority in the country, the Hmong aided the American effort throughout the Kennedy, Johnson and Nixon administrations.

Fighting to save Laos from a Communist takeover, the Hmong helped us by gathering intelligence, rescuing downed American pilots and sabotaging the entrance of the Ho Chi Minh supply trail into South Vietnam.

Speaking on behalf of Hmong veterans and their families, William Colby, the former Director of Central Intelligence, told the House Subcommittee on Asia and Pacific affairs last year that for 10 years the Hmong kept Hanoi's army in northern Laos to approximately the same battle lines it held at the beginning of the war, though the number of troops increased from 7,000 to about 70,000 by the end of the conflict—troops that were not available to kill Americans in South Vietnam:

For the Hmong, the sacrifice was enormous. Perhaps 10 percent of the population—30,000 people—died.

In 1975, the new Communist regime in Laos singled out for persecution Hmong who had been allied with the United States.

In the last two decades, tens of thousands of Hmong have been killed or imprisoned in

''seminar camps,'' which are essentially concentration camps.

Many others escaped across the Mekong River to northern Thailand, and others have resettled in the United States, France, Australia and Canada.

Before the end of this year, camps in Thailand will close and 30,000 Hmong and Lao refugees will be forced back to Laos. This is all the direct result of a misguided international program known as the Comprehensive Plan of Action, which has been in place since 1989. The program, developed to resolve the problem of the Vietnamese boat people, also affects other Indochinese asylum-seekers such as the Hmong.

The plan was drafted by State Department and United Nations officials with no public debate—although it is financed in part by American tax dollars. It has been responsible for the forced return of thousands of refugees, including the Hmong, to repressive countries, though the State Department refuses to acknowledge this.

A March report from a fact-finding mission to Thailand sponsored by Representative Steve Gunderson, Republican from Wisconsin, concludes that the State Department had not been truthful.

The fact-finding team charges the State Department with ''deception'' and ''whitewash'' to ''cover up misdeeds of officials involved in helping pressure and force Hmong/Lao refugees from Thailand to Laos'' and also to ''cover up their persecution and murders'' in Laos. The report accuses staff members of the United Nations High Commissioner for Refugees of giving ''misleading'' information to Congress that claimed that forced repatriation of the Hmong was not occurring.

Mr. Gunderson's findings confirm what has been reported for years by Hmong victims and their families in the United States, journalists and human rights organizations.

In a 1989 report about screening of Hmong refugees and asylum-seekers in Thailand, the Lawyers Committee for Human Rights warned: ''Screening is conducted in a haphazard manner with little concern for legal norms. Extortion and bribery are widespread.''

Opponents of the House provision in the foreign aid bill claim that it will cause greater numbers of refugees and could cost the United States more money. But as Representative Bill McCollum, Republican of Florida, pointed out in a recent House floor debate, the bill would not increase the number of refugees admitted to this country.

The amendment, he said, is about ''getting the United States out of a scandalous international program.'' And, he said, ''It is also about allocating what few spaces we do have for refugees to those who need and deserve our help.''

The Hmong veterans in Thailand are in a sense America's lst remaining P.O.W.'s. They fought with Americans and we left them behind. It is well within Governement's powers to save the Hmong veterans and their families.

The amendment to the House bill, proposed by the Chairman of the International Operations and Human Rights Subcommittee, Representative Christoper Smith, Republican of New Jersey, is a start and should be supported in the Senate. We can help these people without significantly adding to this country's refugee population and to our financial burdens. It would be the humane and just thing to do. It is a moral obligation.

COMMUNICATIONS ACT OF 1995

SPEECH OF

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mrs. COLLINS of Illinois. Mr. Chairman, last night we voted on a rule on the bill H.R. 1555. I voted against it in strong opposition to the back room deals cut outside the committee process which have resulted in significant changes to H.R. 1555, and in strong opposition to the GOP leadership's attempts to ram this anti-consumer, pro-special interest bill through the House before the August recess. It has become typical procedure for this Republican-led Congress to pass hastily conceived, big business give aways in the dark of night at the 11th hour and H.R. 1555 is no exception.

Reform of our Nation's outdated telecommunications laws is an important and necessary endeavor. Last year this body overwhelmingly passed, and I supported, legislation that, while not flawless, certainly would have helped pave the roads of the information superhighway with increased competition and assisted in promoting greater economic opportunities for more Americans as we head into the 21st Century. However, this year's efforts have fallen far short of such a goal, with our constituents getting a raw deal.

In short, H.R. 1555 will deregulate cable companies prior to true competition in these markets. The consumers will pay in the form of higher rates for the most popular services. H.R. 1555 will also allow a single broadcast owner to gobble up enough television stations to control programming for half the Nation as well as giving the OK for one company to corner the newspaper, broadcast cable market in any community. Again, the consumers will pay in the form of monopoly pricing, limited local programming, and diversity of views. Finally, H.R. 1555 would allow phone companies to buy out cable companies in smaller service areas across the Nation. Once more, the consumers will pick up the tab.

While a certain select few amendments will be made in order under this rule that seek to temper some of these drastic provisions, I do not believe they will be enough to bring proper balance to this legislation. In addition, despite the 38 to 5 vote in the Commerce Committee to report H.R. 1555 to the House, the chairman decided to make a number of revisions to the telephone regulation title of the bill after meeting in secret with multi-million dollar executives. No matter what you think of these proposed changes, we should all agree that this is not the manner in which business should be conducted in the people's House—or has this body been renamed the house of corporate representatives, inc.?

Mr. Speaker, consideration of this bill began months ago when Speaker GINGRICH and his GOP colleagues held closed door powwows with major telecommunications CEO's, yet didn't think it necessary to speak with consumer groups and other citizen advocates to get their input. Surprise, surprise.

This is a bad rule and I regret that we did not go back to the drafting table and craft a telecommunications reform package that puts the public interest before the Gingrich Republican special interests.

INTRODUCTION OF THE GRAND JURY REDUCTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GOODLATTE. Mr. Speaker, this Congress has taken unprecedented action in reducing the size of the Federal Government. No Government agency has escaped our careful scrutiny as we have searched for places to trim Government waste.

Today, I am introducing a bill that will trim a bit further. I believe it is time to turn our attention to the grand jury process.

Currently grand juries consist of at least 16 and no more than 23 members and an indictment may be found only upon the concurrence of 12 or more jurors. Reducing grand jury size has had considerable support and in fact the Judicial Conference recommended a cut in grand jury size as long ago as 1974.

A panel of 23 is administratively unwieldy, costly, and unnecessary. According to the Administrative Office of the U.S. Courts, in fiscal year 1992 the average number of grand jurors which sat on a grand jury in session was 19.8. In fact, some grand juries sit with only 16 jurors, the number necessary for a quorum under present law.

In fiscal year 1992 total grand jury payments totalled $16,526,275 or $67 per day per juror. We would see significant cost savings if the number of grand jurors was received.

This would be a practical, as well as a cost-savings, reform, In a 1977 hearing on grand jury reform the counsel of the Administrative Office of the U.S. Courts testified that ''our experience is that it is easier to summon a smaller panel than a larger one from throughout the larger districts.''

My bill amends 18 U.S.C. 3321 to reduce the number of grand jurors necessary for a grand jury to be impaneled. Under my bill every grand jury impaneled before any district court shall consist of not less than 9 nor more than 13 jurors. An indictment may be found only if at least 9 jurors are present and 7 of those present concur. Judges across my congressional district have endorsed this reduction.

The Judicial Conference is scheduled to meet again in September. I am hopeful that the Conference will endorse my proposal at this meeting.

As a member of the Courts and Intellectual Property Subcommittee, I see this as an initial step toward larger judicial reform which the subcommittee will undertake later this Congress. I urge my colleagues to support this important proposal.

COMMUNICATIONS ACT OF 1995

SPEECH OF

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union had under consideration 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 development of new telecommunications technologies:

Mr. RADANOVICH. Mr. Chairman, I intend to vote for H.R. 1555 and against attempts to weaken it.

I believe in competition. I believe in reduced regulation. I want markets, not mandarins of the bureaucracy, to control what communications services are available to us and how much we pay for them.

The electorate's message that came here with us was a clear signal. It rises above the din of those who clamor for controls.

The people told us get the bureaucrats out of our houses and off our lines. Americans reject the idea that privileges or special advantages should be given by government to certain companies, allowing them to carry on a particular business and control the supply of certain services.

Much as our constituents may enjoy the game of Monopoly, they don't want its impact on their real-life pocketbooks.

I intend to keep my word to the people I represent. Their final judgment will not be modified by me.

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

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. OWENS. Mr. Chairman, in connection with the remarks I made on August 2, 1995, I wish to submit the following additional remarks and extraneous materials which include the following items:

A. The letter of dying coal miner Jacob L. Vowell killed with 183 others in a coal mining accident.

B. The text of articles on OSHA which appeared in the Washington Post on July 23 and July 24.

C. A summary of the quotes which were contained in the Washington Post articles.

LETTER OF DYING COAL MINER JACOB L. VOWELL KILLED WITH 183 OTHERS

Ellen, Darling, goodbye for us both. Elbert said the Lord has saved him. We are all praying for air to support us, but it is getting so bad without any air.

Ellen I want you to live right and come to heaven. Raise the children the best you can. Oh how I wish to be with you, goodbye. Bury me and Elbert in the same grave by little Eddy.

Goodbye Ellen. Goodbye Lily. Goodbye Jemmie. Goodbye Horace. Is 25 minutes after 2. There is a few of us alive yet.

JAKE and ELBERT.

Oh God for one more breath. Ellen remember me as long as you live. Goodbye Darling.

Letter written by Jacob L. Vowell while he and 26 others barricaded inside a Tennessee mine after a May 19, 1902, explosion. Although the makeshift barricade held out the bad air for over 7 hours, the trapped mines were eventually overcome by suffocating gases. The disaster claimed 184 lives.

[From the Washington Post, July 23, 1995]

THE HILL MAY BE A HEALTH HAZARD FOR SAFETY AGENCY—SHIFT IN POLITICAL FORCES BRINGS GOP PUSH TO WEAKEN OSHA

(By Michael Weisskopf and David Maraniss)

Thomas Cass Ballenger, in his rolls as small-town industrialist, civic benefactor and veteran congressman from the western hills of North Carolina, always displayed a talent for fund-raising. But the money never came easier than during the congressional elections last fall, when he traveled around his state soliciting contributions for candidates who would serve as ground troops for the Republican revolution.

Whenever Ballenger spoke, checkbooks opened at the mention of the Occupational Health and Safety Administration (OSHA), a regulatory agency that had emerged as a symbol of everything the business world disliked about the federal government. His vision of a House of Representatives controlled by Republicans, as Ballenger later described it, went like this:

''I'd say, 'Guess who might be chairman of the committee who'd be in charge of OSHA?''

''And they'd say, 'Who?'

''And I'd say, 'Me!'

''And I'd say, 'I need some money.'

And—whoosh!—I got it. This was my sales pitch: 'Businessmen, wouldn't you like to have a friend overseeing OSHA?' ''

Indeed they would

They liked the idea so much that they gave Ballenger more than $65,000 to distribute to Republican candidates, including five from North Carolina who went on to win seats previously held by Democrats. The partisan transformation of the Tarheel delegation was an essential part of the Republican takeover of the House, and it led, among other things, to a new and decidedly pro-management chairman for the House subcommittee on work-force protections—Cass Ballenger. A panel that for years had been controlled by the son of a Michigan auto worker killed in an industrial fire was now headed by a deceptively easygoing, 68-year-old good old boy from Hickory who was educated at Amherst, inherited his family's box company and made his fortune producing plastic bags for underwear.

Ballenger and his allies are now fulfilling a promise made during the campaign. With the strong lobbying support of business coalitions, including corporations who are both repeated OSHA violators and leading financial contributors to the GOP, they are pushing the first viable legislative effort to diminish OSHA's powers since its creation a quarter-century ago. The Safety and Health Improvement and Regulatory Reform Act of 1995 would shrink the size of the investigative staff, shift the emphasis to consultation, eliminate separate research and mine-safety operations, and curtail the agency's powers to penalize workplaces that fail to meet federal health and safety standards.

Most of the attention in the House this seminal political year has been focused on the ''Contract With America,'' the balanced budget and Speaker Newt Gingrich's pronouncements. But the OSHA measure is at the center of a quieter struggle, albeit one with major philosophical and economic consequences. The refashioning of OSHA—in combination with attempts to repeal wage and union security laws enacted over the decades by Congress's old Democratic majority—amounts to what labor scholars call the most serious effort to rewrite the rules of the American workplace in the postwar era.

The vast bureaucratic system constructed from those laws was based on a question of trust: Whom do you trust with a worker's welfare—the employer or a federal regulator? The time has come, members of the Republican Congress argue, to reword the answer. ''I think employers now take a different approach with their workers than they have in the past,'' said Rep. Lindsey Graham, a freshman Republican from South Carolina and a member of Ballenger's subcommittee. ''My job is to get the government up to speed with the times. And the times for me are to reevaluate the role of a the federal government in private business. If you believe that is the mandate, OSHA is a great place to start.''

Although OSHA was established during the presidency of Richard M. Nixon and has been run by Republican-appointed administrators for 18 of its 25 years, it is scorned by House Republicans as the archetype of a liberal program gone astray. They describe it as a place where swarms of inspectors swoop down to intimidate innocent merchants, professionals and manufacturers, drown businesses in paperwork and are more interested in imposing fines than ensuring safety.

''They need to do what the hell they're told,'' said Charles W. Norwood Jr., a dentist from Georgia and the most intense of the Republican freshmen I his dislike of OSHA. ''They've been sitting in their little cubicles for 25 years thinking they knew what was best for every industry in this country. They don't. And they don't want to know. All they want to know is what they can get away with to collect money from us.''

Many Democrats find their predicament ironic. Year after year they complained that OSHA was ineffective and needed more inspectors and tougher standards. I the last session of congress, before they lost control, they pushed legislation that would strengthen the agency in the very places where Republicans seek to weaken it. But now they are caught in a rear-guard action defending the status quo, arguing that OSHA, for all its faults, has been a savior for American workers. They cite statistics showing that OSHA saves an estimated 6,000 lives each year and has led to significant decreases in workplace injuries and illnesses. Behind the cover of reform, they say, Republicans are exacting corporate revenge, using the paperwork complaints of small businesses to enrich the management class at the expense of blue-collar workers.

The arguments mark a profound shift of political forces. For years business had felt an obligation to pay homage to the Democratic masters of Congress, even where their interests differed. The Republican takeover created opportunities to bring politics in line with corporate objectives, none more important than rewriting labor laws and loosening the grip of government regulations. In moving from a marriage of convenience to one of shared passions, the business world has showered the Republican Congress with financial rewards. In a single evening last May, at the ''New Majority'' dinner to

raise money for the next congressional election, companies lobbying for labor law changes gave more than $1 million.

With the stakes so high, the debate over OSHA has crackled with fiery rhetoric and melodramatic anecdotes.

From the business world comes a bumper sticker that only slightly exaggerates the prevailing sentiment: ''OSHA is America's KGB—It Turns the American Dream into a Nightmare.'' In the matter-of-fact words of Rep. John A. Boehner of Ohio, a former plastics salesman who now serves as chairman of the House Republican Conference and the leadership's liaison to business: ''Most employers would describe OSHA as the Gestapo of the federal government.'' Business leaders pass along tales of bureaucratic overzealousness, such as the case in Augusta, Ga., where a nonprofit group was fined $7,500 by OSHA for using mothballs to chase squirrels out of the attic and failing to post a notice describing the chemicals contained in the mothballs.

From labor comes a sarcastic title for Ballenger's bill—the Death and Injury Enhancement (DIE) Act of 1995. Democrat Major R. Owens of New York, ranking minority member of Ballenger's panel, reads off the names of men and women killed in the workplace and likens the toll to the death count in Vietnam. Unionists recount workplace tragedies that might have been avoided if not for management carelessness, such as the case in Grand Island, Neb., where a maintenance man at a meatpacking plant had his ''head popped like a pimple,'' in the indelicate phrase of a coworker, when he tried to retrieve his pliers from a carcass defleshing machine that turned on because it lacked the required safety locks.

SEE WHAT CAN HAPPEN?

Cass Ballenger saw more than a few workplace injuries during his years as a manufacturer in Hickory, an industrial town whose streets are lined with hosiery mills. When he switched his family business from boxes to plastic bags, he often worked the machines himself. A contraption called the scoring machine was particularly troublesome, he said. ''The clutch on it was mechanical and the dang thing always slipped. You'd be wiping grease off it and the cloth would get caught in the gears and, thwack, it would just cut your fingers off.''

That was before the days of OSHA, Ballenger noted, and employers and workers relied on ''simple common sense.'' Ballenger kept all his digits, but when someone at his plant lost a finger, he would say, '''See what can happen? Put the guard back on and don't do that again.' You'd learn not to do that anymore.''

From the first time inspectors visited his factory, Ballenger's relationship with OSHA was quarrelsome. ''They came into my plant and they told me that my loading dock was unsafe because it didn't have a barrier to keep people from falling off,'' he recalled in a recent interview. ''And so I said, ''Well, let me ask you something, if you put a barrier up, how do you load? They thought about it and said maybe they were wrong.''

Ballenger is a southern storyteller who acknowledges that he occasionally delves into hyperbole to make points. Whether the loading dock inspection happened precisely as he remembered it is unclear. There are no records of the event. But it is important for two reasons. First, in the business world's catalogue of nonsensical OSHA actions, which is an assortment of documented cases and utter myths, the loading dock episode is prominently featured, told and retold in various versions around the country. Second, it shaped Ballenger's perceptions from then on as he dealt as a lawmaker with OSHA.

North Carolina is among two dozen states where federal OSHA standards are enforced at the state level. When Ballenger was in the legislature in Raleigh, he sat on the committee overseeing OSHA and constantly fought with the state labor commissioner, John Brooks. ''Every time John came in and said, 'We are underfunded and need more inspectors,' and told us how it was awful that we didn't think about the health and safety of the workers of North Carolina,'' Ballenger said, he would be thinking, ''Here's this horse's ass who runs a lousy operation asking us for more money.''

There was a personal aspect to Ballenger's animosity that extended beyond the loading dock incident. He accused Brooks of conducting ''political raids'' on his bag plant, inspecting it three times only because he was a prominent Republican in what was then a Democratic state government. Brooks called the accusation groundless: Factories were chosen for inspection by a random computer system. ''There is no human way to tamper with that system,'' Brooks said, ''Cass knows that and was offered the opportunity to see it working.''

''If you believe that,'' Ballenger responded, ''I've got a bridge I'd like to sell you.''

SYMPATHETIC TO THE CAUSE

From the time he reached Washington in 1987 as a House freshman, boasting that he was the only member who had been cited for workplace violations, Ballenger worked on OSHA legislation with a group of Republicans on the old Education and Labor Committee. Their efforts were defensive, trying to stop the Democrats and their labor allies from expanding the agency's powers. ''Then, all of a sudden, oops! We got control,'' Ballenger said of the 1994 elections.

His first task as chairman of the workforce protections subcommittee of the renamed Economic and Educational Opportunities Committee was to pick a team of Republicans lawmakers to help him remake OSHA. ''I wanted people sympathetic to the cause,'' he said. ''I was looking for pro-business people.''

Harris W. Fawell of suburban Chicago had been working with Ballenger on OSHA bills during the Democratic era and would be helpful this time around. Bill Barrett of Nebraska carried the complaints of the meatpacking plants in his district. Tim Hutchinson of Arkansas, whose district included the chicken giant Tyson Foods, would look out for the poultry processors. Peter Hoekstra of Michigan, who came out of the furniture industry, ''hated OSHA with a passion,'' Ballenger thought. James C. Greenwood of suburban Philadelphia was the most moderate of the veterans, but Ballenger respected him. ''I asked him where he would stand on OSHA,'' Ballenger recalled. ''And he said, 'I'll be with you.'''

Then Ballenger recruited three freshmen. He brought in David Funderburk, one of the gang of five from North Carolina. ''Oh, I knew Funderburk. Hoo, boy!'' said Ballenger, explaining that he considered his Tarheel colleague even more conservative than he was. When Lindsey Graham, a freshman from South Carolina, signed on, Ballenger hailed his as ''a good old southern boy—you can count on them every time.'' And finally there was Charles Norwood, the dentist from Augusta who arrived in Washington last winter with OSHA dead in his sights. ''Everybody knew about Charlie,'' Ballenger said, smiling.

For all the decades that the labor subcommittees were dominated by Democrats, Republicans who were assigned to the panels tended to include a disproportionate share of moderates. Now, in the first year of Republican rule, Cass Ballenger looked at his group and declared that he was about to have some fun. ''My subcommittee is so conservative it makes me look liberal,'' he said. ''We could kill motherhood tomorrow if it was necessary.''

One of his freshmen put it another way. ''This has been a subchapter of the AFL-CIO for 20 years,'' said Lindsey Graham. ''Now everybody here talks slower—and with a twang.''

PUSHED TOO FAR

Graham and Norwood, whose congressional districts sit next to each other along the South Carolina-Georgia border, provide much of the new twang. They grew up in Democratic families and became the first Republican congressmen from their districts since Reconstruction. In their own ways, they represent the social, economic and philosophical forces behind the Republican revolution and the movement away from government regulation.

The 40-year-old Graham grew up in the textile town of Seneca, where his parents ran the Sanitary Cafe, a bar outside the factory gate. It was a beer and hot dog place with a juke box that played ''Satin sheets to lie on satin sheets to cry on.'' When the factory shift changed at 3 every afternoon, young Graham would see the mill workers ''come in with their shirts covered with cotton, white as they could be. There'd be a finger missing on every other person.''

Although he considered his home town an ''Andy Griffith of Mayberry type place,'' he also saw the failings of the old system. The textile plant treated its workers like children, he said, and placed a greater emphasis on productivity than safety. Graham understood that it was necessary for the government to come in then and make workplaces safer, just as he realized that the segregated system his parents were part of—they made black workers buy beer from a takeout window out back—was wrong and required the force of government action to eradicate.

But by the time Graham ran for Congress last year, he had long since become convinced that the pendulum had swung too far toward federal intervention. He though the role of the government in mandating affirmative action and regulating workplaces had ''gone from being helpful to being the biggest obstacle dividing and polarizing the nation by race and by employers and employees.'' It was his generation's mission, Graham said, to ''correct the excesses of government from the past generation.''

One day during his congressional race, Graham had what his campaign manager, David Woodard, called ''an epiphany.'' Graham had delivered a noon speech at a small-town Rotary Club, where he received a tepid response. Concerned that he had not figured out how to tap into the old southern Democratic establishment, Graham then paid a visit to a textile mill on the edge of town. He later told Woodard that the plant manager was so agitated he threw a sheaf of papers to the ground and bellowed, ''No more damn Democrats. They've got all these inspectors on me. All these crappy regs!''

Afterward, Graham placed an excited call to his campaign manager. ''He said, 'We may not have the Rotary, but we have the people running the mills,''' Woodard recalled, ''From then on, he picked up the theme.''

Norwood, a 54-year-old dentist, sounded that theme from the day he announced for Congress in suburban Augusta, calling himself a businessman ''who just got pushed too far'' by government regulators. It started a decade earlier when OSHA began taking an active role in the dental profession to ensure that employees and patients were not endangered by blood-borne pathogens such as the AIDS virus. Dentists, Norwood said, did not

need to be inspected or told how to maintain safe offices.

Norwood became so upset by the federal health and safety standards, which he said required his dental team to use 200 pairs of gloves each day and set up laundry services within his office, that he began placing an explicit ''OSHA surcharge'' on the bills he sent to patients. The charges amounted to about $10 per visit. When patients complained, Norwood told them to call their congressman. Then he decided that he wanted to be the congressman. Although he had never run for political office, Norwood had developed a state and national network of dentists from his earlier position as president of the Georgia Dental Association. He raised more than $90,000 from his dental colleagues.

Much like Ballenger in North Carolina, Norwood was motivated in part by a personal experience. The Department of Labor had once investigated him for not paying overtime to his office aides after a disgruntled former employee filed a complaint. Norwood said it would have cost him more to fight the complaint than settle it, but he never forgot the $10,000 the incident cost him nor the role of the federal investigators. From then on he referred to them as ''storm troopers.''

One morning on the campaign trail, Norwood turned to his young aide, Gabe Sterling, and asked him to find out who was in charge of OSHA. Sterling called Washington and learned that it was an undersecretary of labor named Joseph Dear. From then on, wherever he spoke to businessmen in his district, Norwood would say, ''You know, that fellow who runs OSHA, that Joe Dear, well when I get up to Washington I'm gonna call that Joe Dear at 5 every morning and explain to him the problems with OSHA.''

It did not take long for Chairman Ballenger to realize that he had a firebrand on his subcommittee. There was no need to reform OSHA, Norwood told Ballenger. They should just close the place down, fire everyone who worked there and then start over. ''The only way to do it is to get rid of that crowd,'' he said.

Ballenger might have agreed, but he knew it would have been counterproductive. ''I said 'That's stupid. You can't win that way. You gotta have a bill,'" Ballenger recalled. I'm smart enough, or dumb enough, to realize that if we don't pass the bill, we haven't done a darn thing.''

[From the Washington Post, July 24, 1995]

OSHA'S ENEMIES FIND THEMSELVES IN HIGH PLACES

(By David Maraniss and Michael Weisskopf)

At 3 in the afternoon of Jan. 30, not long after the Republican majority assumed control of Congress, about 50 of the GOP's powerful allies in the business world gathered in the Washington boardroom of the National Association of Manufacturers. Oil was there, and chemicals, along with freight and construction and steel and small business. They convened as members of a lobbying group known as COSH, the Coalition on Occupational Safety and Health, and they sensed that their time was at hand.

''We're in a position to get something for employers,'' said coalition official Pete Lunnie, opening the meeting.

As he spoke, Lunnie recalled later, he was struck by how unusual it all seemed, especially the optimistic tone. For several years, the business community had been on the defensive, trying to prevent the labor-oriented Democratic Congress from strengthening the powers of the Occupational Safety and Health Administration (OSHA), an agency that business leaders thought was already excessive in its regulatory zeal. The low point had come on April 8, 1992, when an executive had flown cross-country to testify before the House Education and Labor Committee, only to be ignored by the panel's chairman and never called on during a five-hour hearing. Lunnie sent out a membership memo the next day deriding what he called the ''crude affront.''

But now business had friends everywhere. Two former members of the House labor panel had become powers in the leadership: Majority Leader Richard K. Armey of Texas and House Republican Conference Chairman John A. Boehner of Ohio. Boehner, a former plastics salesman, had been deeply involved in OSHA issues in past years and could be counted on again. And in place of William D. Ford, the old Democratic chairman who had snubbed COSH earlier, the key labor subcommittee was now headed by Cass Ballenger, a manufacturer from North Carolina with a long history of antipathy toward federal regulators.

At the strategy session in Washington, Lunnie asked the participants to identify the industry's most pressing problems with OSHA. ''Cass wants our input,'' he said. They spent more than two hours enunciating a catalogue of gripes, from which Lunnie and his core group of lobbyists produced a consensus list of 30 recommendations for revising OSHA. In late February, they typed out the suggestions on a single-spaced piece of paper, which they presented to Ballenger. when Ballenger's work-force protections subcommittee came out with the Safety and Health Improvement and Regulatory Reform Act of 1995 in early June, there was little doubt among congressional insiders about who benefited from each section of the 47-page document. Virtually everything on COSH's wish list was there.

The coalition was the largest of many business groups and lobbyists who found their way to Ballenger's office as the bill was being drafted. ''Id say that any businessman who happened to come up here to see someone in the House would come by my office and say, 'When you draw this thing up, will you look at *this* please?' Ballenger said recently. ''We had several groups that came up with finished bills they wanted. The North Carolina Citizens for Business and Industry, of which I've been a member for 30 years, came up with a complete bill. COSH had ideas. We had ex-heads of OSHA come in here and give us advice. They all knew exactly what I should do.''

DELIVERING GIFTS

The work of revising OSHA and rewriting U.S. labor laws had already begun in Ballenger's shop even before the heavy lobbying started. Weeks before the congressional elections last fall, Jay Eagen, who was then the ranking minority aide on the Education and Labor Committee, had a hunch that the Republicans might gain control of the House and began organizing a plan of action. The staff drafted a document called Agenda 104, named for the 104th Congress. It outlined the issues facing the committee and identified those of highest priority. Labor laws and OSHA topped the list.

When Ballenger assumed control of the subcommittee, he delved deeply into the drafting process, choosing among legislative options presented by aides in daily briefings along with memos from corporate backers. Some industry lobbyists were brought in to press a point or explain its ramifications; others were enlisted to draft specific provisions or vet them. While COSH and other groups enjoyed broad access to the process, one lobbyist had the inside track: Dorothy Livingston Strunk.

A coal miner's daughter from Pennsylvania who arrived in Washington with only a high school diploma, Strunk had undergone a long rise through the ranks to emerge as one of the most powerful voices in the workplace safety field. For years she had been a top Republican aide on the labor committee. In 1987, President Ronald Reagan nominated her to run the Mine Safety and Health Administration, but her appointment was killed in the Senate after strong opposition from the United Mine Workers. During the Bush administration, she moved over to OSHA, where she rose from deputy to acting director.

Now she is a lobbyist for United Parcel Service, a company whose Santa Claus-like public image as the deliverer of presents covers an intensely political enterprise. During the 1994 election cycle, UPS, which is one of the nation's top five employers and has offices in every congressional district, emerged as the nation's No. 1 PAC contributor, giving more than $2.6 million. Like many major PAC givers, it has leaned heavily Republican since the GOP takeover, contributing $210,000 to Republican House members in this non-election year alone. About 9 percent of that amount went to members of the labor panel, including $5,000 to Ballenger.

The relationship between UPS and OSHA has been lengthy and costly. The agency says it has received more worker complaints against UPS than against any other employer, resulting since 1972 in 2,786 violations and $4.6 million in fines—cases that the delivery service says were mostly minor. According to UPS data supplied to the Teamsters Union, in 1992 company workers suffered 10,555 lifting and lowering injuries that required more than first aid. The corporation pays out an average of $1 million a day in workers' compensation.

UPS has an intense interest in revising the OSHA standards, particularly the sections dealing with cumulative stress disorders caused by repetitive motion or lifting. More than 180,000 of its workers perform such tasks, driving the boxy, brown UPS trucks or handling packages. In Strunk, UPS had a lobbyist who knew OSHA regulations inside out and someone with unusual access to the committee where she once had worked. Aides to other members of Congress said that when the bill was being drafted, it was not uncommon for them to enter the committee offices and see Strunk emerging from a back room meeting with Gary L. Visscher, the staffer assigned to write the OSHA bill. When the first version of the bill made the rounds in April, it was often referred to as ''Dottie's draft.''

Her influence is clear in Ballenger's bill. Strunk and other lobbyists from the construction and trucking industries pushed for restrictions on the only tool OSHA now has to prevent cumulative trauma disorders such as carpal tunnel syndrome and back strain. The agency has struggled for years to issue an ergonomics standard that would cover those health problems, but in the meantime has invoked a ''general duty clause'' in its statute to deal with ''recognized hazards'' of the workplace not specifically addressed.

The general duty clause is used against a wide range of otherwise unregulated risks, but starting in the 1980s it became a popular OSHA device to prevent cumulative trauma disorders. By 1990, more than 800 ergonomic violations were imposed by OSHA—one quarter of its general duty clause cases—costing employers more than $3 million in fines. Four UPS facilities were among those cited for package sorting and loading practices. Facing more than $140,000 in fines, the company contested the charges, arguing that there was no specific standard they failed to meet, and OSHA backed off for lack of sufficient evidence.

The Ballenger bill offered an opportunity for industry to achieve what had eluded it

for 25 years. Staff members presented a number of options to narrow the general duty clause, adding language to limit its application. At a crucial meeting in the chairman's office, Strunk presented a historical perspective: The original drafters, she said, wanted the clause to be used sparingly, but over the years enforcers had used it liberally. No matter how they tightened the wording, she said, inspectors could still interpret it more broadly. Ballenger was in no mood to take chances. His bill effectively eliminated the general duty clause by preventing OSHA from imposing penalties where no specific standard exists. Strunk declined requests to discuss her lobbying role on the bill.

Without the general duty powers, OSHA supporters maintain that specific ergonomics standards are needed to deal with the fastest-growing occupational injury. Half of today's work force uses computers, requiring repetitive motion similar to that of slaughterhouse workers cutting meat and grocery store clerks using price scanners. But the Ballenger bill makes it less likely that tough ergonomics standards could be imposed. The measure reverses OSHA policy by requiring regulators to justify the costs to business of implementing any new rule on an industry-by-industry basis. On top of that complex undertaking, the drafters were persuaded by the argument of an Ashland Oil official to have such analyses reviewed by panels of experts, not excluding those from companies with interest in the outcome.

THE FINE PRINT

The Ballenger bill is pro-business in its contours, turning a feared regulatory agency into what labor critics say would amount to a consultant to employers. It would funnel half the budget into training programs and incentives for voluntary action. Large numbers of employers would be exempted from random inspections and given wider latitude to avoid penalties, while the rights of workers to file OSHA complaints would be diminished.

As in the case of UPS and ergonomics, the fine print of the bill shows the influence of many industries. Chemical companies reach one of their longtime goals by keeping states from exceeding OSHA standards on workplace safety, such as the labeling of toxic substances. Another provision, inspired by Dow Chemical Co., would free employers regulated by OSHA from other federal rules that are ''potentially in conflict.'' The proposal is supposed to prevent double regulation, but critics say it would allow industry to bypass more extensive rules of other agencies if they can be shown to be remotely similar.

The iron and steel lobby got Ballenger to drop a requirement that records be kept for work-related illnesses, such as hearing loss, that do not call for medical treatment and lost time. OSHA uses such logs to target troubled industries for inspection—a threat to noisy plants because of OSHA plans to tighten standards for hearing loss.

Perhaps the most contentious section of Ballenger's bill would abolish the federal agency charged with mine safety and transfer its reduced regulatory powers to a weakened OSHA. The Mine Safety and Health Administration is regarded as a regulatory success story, bringing about a sevenfold drop in mine fatalities since 1968. Ballenger's bill would water down its enforcement powers against unsafe mines and loosen the training and inspection requirements. Instead of four inspections per year, underground mines would face one. The requirement for two surface mine inspections a year would be dropped.

Ballenger explains the decision as a budget-driven effort to save money and streamline federal authority. But larger economic constituencies loomed in the background. The most influential adviser advocating the merger was Dorothy Strunk, who after leaving government worked for a Washington law firm that represented mining interests. The proposal is supported by some owners and operators of the rich east Kentucky coal fields, whose small mines are among the most dangerous and the latest targets of the mine safety agency.

And the northeast corner of Ballenger's congressional district, Mitchell County, is the nation's principal producer of feldspar, a sand-like mineral mined on the surface and used in ceramic and glass products. Ballenger met with an official of Unimin Corp., one of the mining outfits there. ''He said what really bugged him was, being above ground and so forth, he gets inspected by both OSHA and MSHA. So he's got two sets of rules to work off.''

HOW DO YOU DEFEND THAT?

While there was basic agreement among subcommittee members and industry allies about the scope of the OSHA bill, there were some moments of tension. Georgia's Charles W. Norwood Jr., supported by some lobbyists, thought the bill seemed too timid, that it was just tinkering with the system instead of reinventing it. In May, a few weeks before the measure was presented, Norwood and his freshmen compatriots requested a meeting with Ballenger. They asked John Boehner from the House leadership to attend and help them make their case.

Boehner had spent much of the previous four years working on OSHA revisions that went nowhere in the face of Democratic opposition. He agreed with Norwood in principle that the committee staffers drafting the bill with Strunk's guidance ''seemed too locked in on what is, instead of what could be.'' On the other hand, he had heard about Norwood's sentiment to just close down OSHA, and realized that was not politically possible.

When the meeting began, Boehner said later, he was more on the side of Norwood and the freshmen. But soon enough he found himself defending Ballenger and explaining to Norwood why certain things could not be done.

''Charlie wanted to prevent OSHA from entering the workplace where there was a serious accident or death if the employer's lost-work ratio was below the industry average.'' Boehner recalled. ''It was one of those issues where you had to walk Charlie through the politics of it, the practicality of it. The politics of it are: 'Charlie, how do you defend that?' If you're going to have OSHA and your goal is to create greater safety in the workplace and somebody dies in the workplace, you have to let them in.''

Norwood contended that unions were using OSHA as an organizing tool. Company managers back in Georgia had complained to him that whenever a union was trying to organize a plant, OSHA would somehow show up and do an inspection because an employee had called in a violation. Boehner and Ballenger satisfied Norwood with two other provisions. Under the revised bill, if OSHA makes an inspection after a death or injury, it can only issue fines directly related to that incident. The bill also requires an employee who sees a workplace violation to take it to the management first. Only if there is no response in 30 days can the complaint go to OSHA.

During his campaign for Congress last year, Norwood had vowed to call OSHA chief Joseph Dear every morning at 5 to tell him what was wrong with his agency. He never followed through on that threat, but he did invite Dear to Meet with him in his congressional office. Norwood complained that the blood-borne pathogen standards were so strict that dentists felt they could not give children their extracted teeth. It was a story that Norwood and other dentists had been telling for years, so common that it even had a name—The Tooth Fairy Story. Like so many of the OSHA ''horror stories,'' as they are called, it fell somewhere between reality and myth. Some dentists did stop giving out extracted teeth, but there was nothing in the law preventing them from doing so.

Norwood also asked Dear about another common story—that OSHA regulations prohibited roofers from chewing gum on the job. Dear said that there was no such regulation. Norwood, according to his staff, later said that he had caught Dear in a lie. Again, there was a fine line between truth and myth. OSHA standards did say that workers could not chew gum in one case: when they were working ''in an area where the level of asbestos is so high that chewing gum could result in the ingestion of asbestos.''

While Norwood and other Republicans on the subcommittee have relied on their catalogue of horror stories to make their case against OSHA, the struggle has a stone economic and political component. Corporations lobbying on OSHA and other labor laws dominated Norwood's list of post-election contributions to pay off his campaign debt. Nearly two-thirds of the money he raised came from corporate members of those lobbying coalitions. More than a third of the $58,000 he has reported raising from PACs for his next election come from these same groups. He sponsors a monthly breakfast round table for business leaders in Augusta, GA., where members can become squires for $250 and knights for $500.

Dentists, who have played an active role in the anti-OSHA movement, gave more than $90,000 to Norwood's last campaign—one-quarter of his contributions from individuals. In turn, he fought to essentially exempt dentists from safety inspections: They fell into the category of small business that would no longer be visited by the green-and-yellow-jacketed OSHA investigators.

Subcommittee member Bill Barrett's largest source of money was from the meat and sugar industries, both of which have had OSHA violations in his rural Nebraska base. His largest contribution came from ConAgra, the agribusiness giant, which also accounted for the largest OSHA violation in his district in the last five years. ConAgra's Monfort meat-packing plant in Grand Island was hit with fines of more than $625,000 after a series of incidents there, including the death of a maintenance man who was beheaded by a defleshing machine that should have been secured with a safety lock.

More than one-third of the PAC money raised by Chairman Ballenger for his 1994 campaign came from corporations that were lobbying for labor law and OSHA changes. The most generous was UPS's PAC, at $10,000. The single largest contributor to the National Republican Congressional Committee from North Carolina was Glaxo Inc., a major North Carolina pharmaceutical firm which has a long history of working in tandem with Ballenger to fight OSHA. When Ballenger was in the North Carolina legislature, Glaxo was fighting a revision in the law which would have required it to have a locked mailbox at the plant gate containing all reports on chemicals shipped into the plant each day. ''You had to change it every day if you received chemical shipments every day,'' Ballenger recalled. The company considered it a paperwork headache. ''Luckily,'' said Ballenger, ''I killed the hell out of it.''

THE WORKING STIFFS

The complaint from labor and Democrats for years was that OSHA was doing too little. Of the 70,000 hazardous chemicals used by industry, the agency had set standards for only 25, an average of one each year. Only in the last two years had it begun moving seriously on ergonomics issues. Despite business complaints about swarms of OSHA storm troopers invading plants, inspections have actually been few and far between. The typical company in North Carolina, for instance, would be inspected once every seven years. In the aftermath of one of the most calamitous workplace disasters of the decade, the Sept. 3, 1991, fire at Imperial Food Products in Hamlet, N.C.; in which 25 people died because there was no sprinkler system and the fire doors could not be opened from the inside, it was determined that OSHA had never inspected the plant.

There were significant gains in some areas, however, which have strengthened the resolve of OSHA supporters this year as they fight for the agency's life. THe impact of OSHA intervention in certain high-risk industries is clear. There have been 58 percent fewer deaths in grain handling and 35 percent fewer deaths in trench cave-ins since OSHA cracked down on those industries. The number of textile workers suffering from brown lung—a crippling respiratory disease—fell from 20 percent of the industry work force in 1978, when OSHA set limits on worker exposure to cotton dust, to 1 percent seven years later.

Democrat Major R. Owens of New York, the ranking minority member of Ballenger's subcommittee, is fond of quoting Speaker Newt Gingrich's line that ''politics is war without blood.'' The Republican attempts to change the American workplace, Owens says, amount to a declaration of war on the nation's working men and women.

But Lindsey Graham of South Carolina, one of Ballenger's activist freshmen, said the Democrats and labor are deluding themselves if they believe they have the working people on their side in the fight against government regulations. When Labor Secretary Robert B. Reich testified before the committee, Graham asked him one question: ''How do you reconcile your agenda with my election?'' Graham, who won 60 percent of the vote in a district where the average income was $13,200, said he counted the times Reich used the phrase ''working stiff'' in his presentation.

''He used the words 'working stiff' 21 times,'' Graham said. ''I wrote it down every time he said it. Well the working stiff, the little guy, elected me. They picked me!''

[From the Washington Post, July 23–24, 1995]

QUOTES OF REPRESENTATIVE CASS BALLENGER

In regard to the idea of Republican run House:

''I'd say, 'Guess who might be chairman of the committee who'd be in charge of OSHA?'

''And they'd say, 'Who?'

''And I'd say, 'Me!'

''And I'd say, 'I need some money,' And—whoosh—I got it. This was my sales pitch: 'Businessmen, wouldn't you love to have a friend overseeing OSHA?''

Talking about the sooring machine:

''The clutch on it was mechanical and the dang thing always slipped. You'd be wiping grease off it and the cloth would get caught in the gears and, thwack, it would just cut your fingers off.''

Before OSHA: employers and workers relied on ''simple common sense.''

After an employee of his lost a finger:

'''See what can happen? Put your guard back on and don't do that again.' You'd learn not to do that anymore.''

About the first OSHA visit to his factory:

''They came into my plant and they told me that my loading dock was unsafe because it didn't have a barrier to keep people from falling off. . . . And so I said, 'Well, let me ask you something, if you put a barrier up, how do you loan?' They thought about it and said maybe they were wrong.''

Speaking about John Brooks, state labor commissioner:

''Every time John came in and said, 'We are underfunded and need more inspectors,' and told us how it was awful that we didn't think about the health and safety of the workers of North Carolina.''

Thinking about John Brooks:

''Here's the horse's ass who runs a lousy operation asking us for more money.''

Speaking of the 1994 elections:

''Then, all of a sudden, oops! We got control.''

About picking his team for the subcommittee:

''I wanted people sympathetic to the cause, I was looking for pro-business people.''

Exchange with Rep. Greenwood concerning OSHA:

''I asked him where he would stand on OSHA, and he said, 'I'll be with you.''

On recruiting freshman members:

Republican Funderburk. ''Oh, I knew Funderburk. Hoo, boy!''

Republican Graham. ''a good old southern boy—you can count on them every time.''

Republican Norwood. ''Everybody knew about Charlie''

About the subcommittee:

''My subcommittee is so conservative it makes me look liberal. We could kill motherhood tomorrow if it was necessary.''

After Norwood's suggestion to just ''shut down OSHA'':

''That's stupid. You can't win that way. You gotta have a bill. I'm smart enough, or dumb enough, to realize that if we don't pass the bill, we haven't done a darn thing.''

Ballenger on the drafting or H.R. 1834:

''I'd say that any businessman who happened to come up here to see someone in the House would come by my office and say, 'when you draw this thing up will you look at this please?' We had several groups that came up with finished bills they wanted. The North Carolina Citizens for Business and Industry, of which I've been a member for 30 years, came up with a complete bill. COSH had ideas. We had ex-heads of OSHA come in here and give us advice. They all knew exactly what I should do.''

Ballenger on meeting with an official from Unimin Corp.:

''He said that what really bugged him was, being above ground and so forth, he gets inspected by both OSHA and MSHA. So he's got two sets of rules to work off.''

Ballenger on Glaxo and OSHA regulations:

''You had to change it every day if you received chemical shipments every day,'' Ballenger recalled. The company considered it a paperwork headache. ''Luckily,'' said Ballenger, ''I killed the hell out of it.''

QUOTES OF REPRESENTATIVE LINDSEY GRAHAM

On Republican priorities:

''I think employers now take a different approach with their workers than they have in the past. My job is to get the government up to speed with the times. And the times for me are to reevaluate the role of the federal government in private business. If you believe that is the mandate, OSHA is a great place to start.''

About subcommittee:

''This has been a subchapter of the AFL–CIO for 20 years. Now everybody here talks slower—and with a twang.''

Talking about patrons of his parents Cafe:

* * * young Graham would see mill workers ''come in with their shirts covered with cotton, white as they could be. There'd be a finger missing on every other person.''

On role of government is mandating affirmative action and regulating workplaces:

[it] had ''gone from being helpful to being the biggest obstacle dividing and polarizing the nation by race and by employers and employees.''

The 'mission' for his generation:

* * * to ''correct the excesses of government from the past generation.''

Plant manager from Rep. Graham's district:

''No more damn Democrats. They've got all these inspectors on me. All these crappy regs!''

Following this Graham placed a call to his campaign manager:

''He said, 'We may not have the Rotary, but we have the people running the mills,'" Woodward recalled.

''From then on, he picked up the theme.''

Graham to Labor Secretary Reich on what the working people want:

''How do you reconcile your agenda with my election?'' Graham who won 60 percent of the vote in a district where the average income was $13,200, said he counted the times Reich used the phrase ''working stiff'' in his presentation. ''He used the words 'working stiff' 21 times. I wrote it down each time he said it. Well, the working stiff, the little guy, elected me. They picked me!''

QUOTES OF REPRESENTATIVE CHARLES W. NORWOOD, JR.

On OSHA inspectors:

''They need to do what the hell they're told. They've been sitting in their cubicles for 25 years thinking they knew what was best for every industry in this country. They don't. And they don't want to know. All they want to know is what they can get away with to collect money from us.''

When speaking to businessmen in his district while campaigning:

''You know, that fellow who runs OSHA, that Joe Dear, well when I get up to Washington I'm gonna call that Joe Dear at 5 every morning and explain to him the problems with OSHA.''

To Ballenger about how to deal with OSHA:

There is no need to reform OSHA. * * * They should just close the place down, fire everyone who worked there and just start over. ''The only way to do it is to get rid of that crowd.''

QUOTES OF REPRESENTATIVE JOHN A. BOEHNER

On OSHA:

''Most employers would describe OSHA as the Gestapo of the federal government.''

Boehner on OSHA meetings with Norwood and Ballenger:

''Charlie wanted to prevent OSHA from entering the workplace where there was a serious accident or death if the employer's lost-work ratio was below the industry average. It was one of those issues where you had to walk Charlie through the politics of it, the practicality of it. The politics of it are: 'Charlie, how do you defend that?' If you're going to have OSHA and your goal is to create greater safety in the workplace and somebody dies in the workplace, you have to let them in.''

TRIBUTE TO WILLIAM KATTAK

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. MARTINI. Mr. Speaker, I rise today to mourn the passing of a valued member of the Eighth Congressional District in New Jersey.

In the wake of the celebration surrounding the opening of the Korean War Memorial, William Kattak died on the morning of July 31, 1995. As a proud veteran of the Korean war, Mr. Kattak was a patriotic American. He was a former commander of John Raad Post, the American Legion, commander of Passaic County American Legion and a 4th Degree Knight of Columbus.

Along with an ardent commitment to the United States of America, Mr. Kattak enjoyed a lengthy term as a public servant to Passaic County. For more than two decades, he served as the Passaic County clerk where he enjoyed the respect of the entire community. In addition, as an attorney, he served as Passaic County assistant prosecutor, trustee of the Passaic County Bar Association and department head of New Jersey judge advocate. However, Mr. Kattak will probably best be remembered for designing unique alternatives to increase efficiency and reduce bureaucracy in local government. For instance, he was personally responsible for devising a method to invest bail money which, in turn, netted Passaic County taxpayers hundreds of thousands of dollars.

Even with all the meaningful accomplishments in public service, Mr. Kattak will be missed most by his loving family and close friends. He is survived by his wife Adrianne; three daughters, Joanne, Susan and Diane; four brothers and three sisters. The sorrow for the loss of William is summed up in the words of his daughter Diane. ''He was the guardian angel in our family. He took care of us and nobody will ever replace him. He was the best father anyone could ever ask for''.

Mr. Speaker, I ask that we all bow our heads in the memory of a great American, wonderful husband and loving father. Passaic County lost a great man, but the Kattak family lost a cherished member of a caring family.

THE BATEMEN-SAXTON-EDWARDS IMPACT AID COMPROMISE

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in strong support of the agreement on Impact Aid that has been struck this evening, and I applaud Mr. BATEMAN, Mr. SAXTON, Mr. EDWARDS, and Mr. PORTER'S commitment to ensure adequate funding be provided to the Impact Aid Program when the House and Senate conference on this legislation.

The reason this agreement is so critical is because today we are faced with an $83 million gap in one of our countries most vital functions: the ability to educate our children and ensure our Nation's prosperity for generations to come. For the past 45 years the Federal Government recognized its obligation to compensate school districts for the costs of educating children whose patents live or work on federally owned land. I ask my colleagues today, what has happened to that obligation? Has the Federal Government become so single-mined in its attempt to reduce the deficit that it has become blind to the needs of our Nation's children.

Many of these children are those of the men and women who serve in our Nation's armed services. Is cutting their children's education how we choose to pay back the people who faithfully serve our country? In my opinion it's a crime to tell the children of military impacted communities that they have to receive a substandard education because the Federal Government does not want to pay it's fair share.

Many schools have had to close due to cutbacks in the Impact Aid Program. Many more have had to incur huge deficits just to keep operating. From Nebraska and South Dakota to New Jersey and New York schools of all sizes have had major difficulty keeping their doors open.

But the necessity of Impact Aid goes far beyond the 1.8 million children who are eligible under the program. Terminating the program will also have a significant impact on the 20 million students who attend schools that are dependent on Impact Aid funding. In my own district, thousands of children in the Middletown, Newport, and Portsmouth school districts are largely effect by the Impact Aid Program. What will happen to these children if this program goes unfunded? Where will they go if their school closes down?

Impact Aid is about more than education, it is also about the strength of communities. The people of Middletown, RI tell me they are particularly proud of the community, their schools, and their military population. For over 200 years these same people have extended themselves to the military and have achieved an excellent reputation that is passed from generation to generation of servicemen and women at the Naval base on Aquidneck Island. But there are limits to these relationships. It is unreasonable to expect local taxpayers to increasingly subsidize the education of military students.

Even with full funding of Impact Aid, Middletown Public Schools still experience over a $4 million loss in tax revenue from land occupied by the Navy instead of private housing or businesses. If the proposed reductions go into effect, a bad situation will become undoubtedly worse.

Mr. Speaker, the choice is ours and the choice is clear. We can choose to fund the future of America's students today or be prepared to pay the costs of an uneducated and unskilled work force tomorrow. I am gratified the leadership of this body has made the right choice and has committed itself to providing for our children's future.

FREDDIE MAC'S 25TH ANNIVERSARY JULY 24, 1970—JULY 24, 1995

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. BAKER of Louisiana. Mr. Speaker, 25 years ago, Congress took a bold and innovative approach to help millions of American families own a home. During 1969 and 1970, hard-working Americans who wanted to buy a home were confronted with an economic nightmare of high inflation and escalating interest rates. In short, money to buy a home was scarce and expensive.

On July 24, 1970, in response to the collapse of the country's mortgage finance system, Congress created the Federal Home Loan Mortgage Corporation, commonly known as Freddie Mac. Its mission was clear: to help Americans buy homes by tapping a consistent flow of funds from national and international capital markets.

Freddie Mac has dedicated its resources and innovation to fulfilling that mission. Since 1970, Freddie Mac has purchased $1.2 trillion in mortgage loans, which has enabled 16 million American families achieve the dream of an affordable and decent house.

Freddie Mac purchases mortgage loans from lenders, packages these loans into securities, and sells these securities to investors. Through this process, Freddie Mac has created a broad, liquid, and efficient nationwide secondary mortgage market that is the envy of the world.

As my colleagues are acutely aware, in these times of severe budget restraints, it is important that the private and the public sector join as partners to increase housing opportunities for low- and moderate-income families. Freddie Mac is an exemplary model of this partnership. Freddie Mac has worked with State and local governments to leverage resources for homeowners across the Nation. In addition, Freddie Mac has increased its mortgage purchases of low- and moderate-income homebuyers from 28 percent in 1993 to 38 percent in 1994. Many of these mortgages are for homes owned by minority homebuyers and in central cities and in rural areas.

Mr. Speaker, by every measure Freddie Mac is a great success. As we work to consolidate government to serve taxpayers more effectively, we call on Freddie Mac to continue its commitment to all American homebuyers from all walks of life.

I am sure that my colleagues and the American people join me in expressing our appreciation and congratulations to Freddie Mac on their 25th anniversary. We wish Freddie Mac well in its next 25 years.

PROTECT FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. WARD. Mr. Speaker, I rise today in strong support of the continued funding of the Corporation for Public Broadcasting and in opposition to the proposed funding cuts in the Labor/HHS/Education Appropriations Act.

This legislation provides $240 million for the Corporation for Public Broadcasting for fiscal year 1998. This figure represents a $20 million decrease in funding from the 1997 allocation and is $56.4 million below President Clinton's request. Let me put it another way, this is a $20,000 funding cut for the Corporation for Public Broadcasting.

The Corporation for Public Broadcasting has already suffered an 11.8 percent cut in the rescissions bill passed earlier by this House. This further reduction proposed by the Labor/HHS/Education appropriations bill will be devastating.

One needs only to consider the impact these funding cuts will have upon rural television stations, primarily in areas where access to cable television is extremely limited and where the only educational television and radio programs come from public broadcasting. In Kentucky, the majority of residents rely on public broadcasting for all educational programming, including programs which enable individuals to obtain high school equivalency degrees and attend college courses via television. Public broadcasting also provides invaluable children's programs to help educate children at home as well as in school.

I urge my colleagues to consider the impact these funding cuts would have upon those who rely on public broadcasting the most. I urge my colleagues to oppose these cuts and work together to protect the Corporation for Public Broadcasting.

INTRODUCTION OF A BILL TO REDUCE POLITICAL ASYLUM ABUSE

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing a bill to root out fraud and abuse in our current system of political asylum.

Throughout the world, the human rights of prisoners of conscience and political opponents are casually exploited. Amnesty International's annual report, released last month, cites the fact that 78 countries still hold ''prisoners of conscience.''

For those people, the United States must extend its hand and offer refuge through political asylum.

Our Nation has always been a beacon of hope for people around the world seeking a safe haven from political, ethnic, racial, or religious persecution.

But it is important to keep the doctrine of political asylum in perspective. It represents only one element of America's immigration policies.

Last year, for example, our Government allowed more than 800,000 aliens to legally enter the United States. Of that total, only 11,784 were granted political asylum.

And until 1980, political asylum was a treasured and sparingly-used provision in our immigration laws, enabling our Nation to fulfill its commitment to protect those fleeing their homelands because of oppression.

But changes made in the asylum laws in the 1980s opened up the system to widespread abuse.

These well-intended but ill-conceived reforms included providing an unintended economic incentive for aliens to seek entry into the United States by claiming political asylum.

Most importantly, it gave asylum seekers permission to legally work in the United States while their claims were being considered by officials of the Immigration and Naturalization Service [INS].

Although President Clinton recently modified the work-permit provision, the floodgates had already been opened.

Asylum seekers have been pouring into the United States in staggering numbers.

Prior to 1980, less than 5,000 people a year sought political asylum in the United States. But last year alone, a record number, 150,000 in all—filed claims of political asylum. The New York-New Jersey metropolitan region is becoming a magnet for individuals seeking the protected status of political asylum. During the first quarter of this year, 8,165 people applied for asylum through the Newark District Office. Another 8,795 aliens made the same claim at the New York INS office.

The political asylum process has spun out of control.

Moreover, political asylum has become an increasingly popular route to circumvent safeguards in the law that help us to weed out bogus and fraudulent claims.

Contrary to popular opinion, it is not easy to gain legal entry into the United States. That fact can be attested to by the 3.4 million people around the world who are waiting for visas to be issued by our Government in order that they can legally come to the United States. Some of those people, depending on their home country and the immigration quota that applies to it, wait up to 10 years before they are issued a visa.

While many of those who arrive on our shores seeking political asylum have an arguable basis for their claim, others use it as an opportunity to leap frog over those 3.4 million people who are waiting in line for the issuance of their visa.

Even though the criteria are lax, the law on political asylum is clear when in says that the asylum candidate ''must face a reasonable fear of persecution.''

Today, there are people boarding planes and boats around the world, hoping to start a new life in the United States with phony claims of political asylum. And the odds are they'll be successful.

Political asylum has become a popular backdoor entrance to the United States. And with good reason. The system is easy to exploit.

By simply stepping off a plane and proclaiming the magic words ''political asylum,'' an individual gains special status that enables him to stay in the United States until his claim is verified. The lengthy and cumbersome process of reviewing asylum cases is filled with opportunities for an individual, with no legitimate claim of political asylum, to slip away and become part of our Nation's ever-increasing population of illegal immigrants.

New Jersey has become a major center for illegal immigrants. The INS ranks my State sixth in the Nation in the number of illegal immigrants.

Of the thousands of people who arrive each year in the New York-New Jersey area seeking political asylum, only 1.6 percent are actually detained until the outcome of their claim is determined.

The sheer volume of asylum claims and the severe shortage of detention facilities, has forced the Immigration and Naturalization Service to release a vast majority of those awaiting adjudication of their claim of political asylum. They are set free—released on their own recognizance and told to return on a specified date for a hearing.

At least one-third of those set free will never be seen again. They simply disappear, joining the ranks of the illegal immigrant population in our area.

Of all the political asylum claims, only 10 to 15 percent are found to be legitimate by the INS and are granted permission to remain in the United States. The others are ordered back to their homeland.

But when the time comes to report for deportation, the vast majority—more than 90 percent—do not show up. And in all likelihood will never be found. They too have joined the illegal immigrant population.

The backlog of pending asylum applications has swelled to almost 450,000 cases, leading to extensive delays. Those unfortunate individuals with legitimate claims of political as asylum are forced to spend months and even years in this country living with the uncertainty of not knowing whether they will be forced to return to their homeland.

The facts leave little doubt that the current system of political asylum is out of control.

Today, I am introducing legislation that will significantly modify how the INS deals with claims of political asylum. It is designed to send a clear signal around the world that fraudulent claims of political asylum will no longer be tolerated. The goal of my legislation is to preserve the fundamental principle of political asylum, while closing up the giant loopholes that are corrupting the process.

My bill targets individuals who escape or leave their homeland and travel to another country before coming to the United States.

It establishes a series of procedures that will have the effect of deterring those with no legitimate claim of political asylum from ever venturing to the United States.

Let me explain the key provisions of the bill.

It seems to me that an individual who fears for his safety because he is suffering severe discrimination or life-threatening treatment should be required to stop at the first country that would offer him ''safe haven.''

But under the current law, these refugees most often choose to pass by the first country that could offer safe haven and continue their journey to the United States. Fifteen years and hundreds of thousands of claims for political asylum later has taught us that many of these individuals are not seeking a safe refuge that comes from political asylum, they are actually looking for the economic opportunities that America has to offer.

Under my legislation, anyone who passes through another country that could offer a safe haven for political asylum would not be allowed to travel through to the United States and remain here while their claim is being adjudicated.

Upon entering the U.S., these asylum seekers would be sent back within hours to the country they passed through that would offer them political asylum. European countries have been following a similar course of action for many years.

In 1990, The European Community convened the Dublin Convention to establish a uniform standard for examining applications for asylum seekers that travel through several countries. The purpose of the Convention was to ensure that an application was examined by only one Member State, ignoring the preferences of asylum seekers that results in ''nation shopping.'' Members incorporated the ''country of safe haven'' principle which requires asylum requests to be reviewed by the

first country which the applicant arrives in outside his country of origin.

In July of 1993, Germany overhauled their asylum law, effectively reducing their monthly asylum application load from 37,000, after an explosion of asylum applications that increased from 20,000 in 1983 to 438,000 a decade later. Germany's asylum laws also include a ''country of safe haven'' provision making certain asylum applicants ineligible.

It's time the United States follow the lead of the European Community and adopt the ''first safe haven'' approach. By doing so, we would eliminate the incentive for aliens to ''nation shop,'' looking around for the country they believe offers them the best opportunity for economic prosperity, not political freedom.

In order to ensure that those with legitimate claims for asylum are protected and find a safe haven, my bill provides added protection for legitimate asylum seekers. Under special circumstances, it allows them to stay in the United States awaiting a hearing. An alien who returned to the first country they passed through which could offer a safe haven, but was denied entry, would be allowed to remain in the United States pending a hearing. In addition, if an individual can demonstrate that being returned to the first country of safe haven could subject him to further persecution, he too would be allowed to stay. But the bill attaches a significant condition to asylum-seekers who are returned to the United States—one that further discourages abuse of the system. While they are in the United States awaiting a hearing on whether they can stay here legally, they must be held in a detention facility.

This fall Congress is expected to take up the issue of immigration reform. In the coming weeks, I will work to make sure this new approach to granting political asylum is included in the immigration reform package to be considered by the House.

The United States is a Nation of immigrants. We should continue to embrace people of different races and cultures who want to make America their new home. Their presence enriches our culture and makes our nation a very special place.

America should continue to be the land of opportunity for legal immigrants but not for those who take advantage of our generosity and our compassion to enter the country illegally. I urge my colleagues to cosponsor my legislation.

THE CONGRESSIONAL ASSAULT ON TRIBAL SOVEREIGNTY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. RICHARDSON. Mr. Speaker, I share the grave concerns of my colleagues and the more than 550 American Indian and Alaska Native tribes of this Nation regarding the unprecedented budgetary cuts and assaults on tribal sovereignty currently underway in the 104th Congress. As the former chairman of the House Subcommittee on Native American Affairs, I find it especially difficult to watch as this body attempts to undermine the hard fought victories that Indian tribes have won in the past 30 years.

It is hard to understate the enormity of the cuts in this year's appropriations bills. For instance, the House Interior appropriations bill cuts BIA and Department of Education funding for Indian education by $61 million, eliminates important scholarships and adult education, and restricts funding of self-determination contracts and self-governance compacts. The Interior bill fails to include enough funding for the Indian Health Service to maintain its current level of services. And, the House Interior report penalizes tribal self-determination and economic growth by requiring the Secretary of the Interior to prepare a means testing report on Indian tribes who conduct gaming operations.

The Commerce, Justice appropriations bill eliminates the line-item for Indian legal services. The Agriculture appropriations bill calls for the termination of the commodities program. The VA–HUD appropriations bill cuts funding for new Indian housing by two-thirds. The Labor-HHS appropriations bill eliminates additional Indian education funding, funding for the protection of tribal elders, reduces meals for tribal elders by $845,000, and eliminates the low-income heating assistance program. In addition, the Labor-HHS bill would put sharp curbs on the amount of political or legal advocacy that tribal governments or organizations could undertake at the Federal level.

The tribal outcry that has arisen because of these actions and others should tell us that we need to seriously examine and rethink our relationship with Indian country. In order to do so, we must:

Recognize that tribes are sovereign entities and not merely another set of minority or special interest groups.

Acknowledge our moral and legal responsibility to protect and aid Indian tribes.

Adhere to a set of principles that will enable us to deal fairly and honestly with Indian tribes.

From the founding of this Nation, Indian tribes have been recognized as distinct independent, political communities exercising the powers of self-government, not by virtue of any delegation of powers form the Federal Government, but rather by virtue of their own inherent sovereignty. The tribes' sovereignty pre-dates the Constitution and forms the backdrop against which the United States has entered into relations with the Indian tribes.

The United States also has a moral and legal trust responsibility to Indian tribes. Since the founding of the country, the U.S. has promised to uphold the rights of Indian tribes, and serve as the trustee of Indian lands and resources. The U.S. has vowed, through treaties such as the 1868 Navajo treaty, that Indians would be housed, educated, and afforded decent health care. We have failed on nearly every count.

Perhaps we need to look to the past in order for us to understand our proper relationship with Indian tribes. More than two centuries ago, Congress set forth what should be our guiding principles. In 1789, Congress passed the Northwest Ordinance, a set of seven articles intended to govern the addition of new States to the Union. These articles served as a compact between the people and the States, and were to forever remain unalterable, unless by common consent. Article three set forth the Nation's policy towards Indian tribes:

The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken away from them without their consent * * * but laws founded in justice and humanity shall from time to time be made, for preventing wrongs to them * * * .''

Each of us should memorize these words. Our forefathers carefully and wisely chose these principles to govern the conduct of Congress in its dealing with American Indian tribes. Over the years, but especially in this Congress, we have strayed from these principles—the principles of good faith, consent, justice and humanity. It is time for us to return to and remain faithful to these principles.

U.S.S. INDIANAPOLIS MEMORIAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. JACOBS. Mr. Speaker, all Americans will be grateful to the Congress and to the President for adopting last year the following resolution commanding the noble service to our country rendered by the U.S.S. *Indianapolis* and its crew. The death of the *Indianapolis* and very many of its hands represents one of the more poignant tragedies of World War II inasmuch as it all happened shortly before the end of hostilities with Japan.

At long last a suitable monument has been erected in the city of Indianapolis. The monument was dedicated on the second day of August of this year. In addition to the resolution itself which follows, I insert a story from the Indianapolis News and a story from the Indianapolis Star about this touching occasion.

Special tribute should be paid to Patrick J. Finneran, Capt. James Holds, USN retired, Dr. Giles G. McCoy and Robert H. McKinney, who together with other pillars in the Indianapolis community, worked tirelessly and lovingly to bring all of this well deserved remembrance about.

THE CONGRESS OF THE UNITED STATES OF AMERICA, THE 103d CONGRESS ASSEMBLED, LAW NO. 103–337

SEC. 1052 U.S.S. *Indianapolis* (CA–35) For gallantry, sacrifice and a decisive mission to end world War II.

1. The U.S.S. *Indianapolis* served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from 7 December 1941 to 29 July 1945.

2. The fast and powerful heavy cruiser with its courageous and capable crew, compiled an impressive combat record during her victorious forays across the battle-torn reaches of the Pacific, receiving in the process ten hard-earned Battle Stars from the Aleutians to Okinawa.

3. This mighty ship repeatedly proved herself a swift hard-hitting weapon of our Pacific Fleet, rendering invaluable service in anti-shipping, shore bombardments, anti-air and invasion support roles, and serving with honor and great distinction as Fifth Fleet Flagship under Admiral Raymond Spruance, USN, and Third Fleet Flagship under Admiral William F. Halsey, USN.

4. This gallant ship, owing to her superior speed and record of accomplishment, transported the world's first operational atomic bomb to the Island of Tinian, accomplishing her mission at a record average speed of 29 knots.

5. Following the accomplishment of her mission, the *Indianapolis* departed Tinian for

Guam and, thereafter, embarked from Guam for the Leyte Gulf where she was to join with the fleet assembling for the invasion of Japan.

6. At 0014 hours on 30 July 1945, the U.S.S. *Indianapolis* was sunk by enemy torpedo action.

7. Of the approximately 900 members of her crew of 1,198 officers and men who survived the initial torpedo attack, only 319 were eventually rescued because, as a result of the ship's communication ability having been destroyed in the attack, the sinking of the U.S.S. *Indianapolis* was not discovered for five fateful days, during which the survivors suffered incessant shark attacks, starvation, desperate thirst, and exposure.

8. From her participation in the earliest offensive actions in the Pacific in World War II to becoming the last capital ship lost in that conflict, the U.S.S. *Indianapolis* and her crew left an indelible imprint on our nation's struggle to eventual victory.

9. This selfless and outstanding performance of duty reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

RECOMMENDATION AND COMMENDATION

Congress, acting on behalf of the grateful people of the United States, hereby—Recognizes the invaluable contributions of the U.S.S. *Indianapolis* to the ending of World War II; and, On the occasion of the 50th Anniversary of her tragic sinking, and the dedication of her National Memorial in Indianapolis on August 2nd, 1995, commends this gallant ship and her crew for selfless and heroic service to the United States of America.

CREWMEN APPLAUD U.S.S. ''INDIANAPOLIS'' MEMORIAL—107 SURVIVORS ATTEND CEREMONY DOWNTOWN

(By Welton W. Harris II)

As the sun beat down on today's dedication of the USS Indianapolis national memorial, 3,500 onlookers stood and applauded 107 crewmen who survived the sinking 50 years ago.

For those who didn't make it, like Adrian Marks of Frankfort, Dr. Giles G. McCoy, chairman of the survivors' group, said it all: ''He was there when we needed him, and that was the important thing.''

The ceremonies today at the headwaters of the Downtown Canal concluded a 30-year effort to raise a memorial to the ship and its crew, especially the 880 who didn't survive.

The Indianapolis was en route from Guam to Leyte on July 30, 1945, when it was torpedoed and sunk by a Japanese submarine.

Because of wartime conditions, and partly through negligence, the loss of the heavy cruiser went undetected for four days.

Survivors were left in the Pacific Ocean, where many drowned or became victims of shark attacks.

While flying patrol on Aug. 2, Lt. Wilbur C. Gwinn detected an oil slick. When he flew lower, he saw the survivors. He radioed for assistance, which came in the form of Lt. Marks and the crew of his PBY flying boat.

Gwinn, who died two years ago, was represented at today's ceremonies by his widow, Norma.

Marks, whose health prevented him from attending, picked up 56 survivors and broke radio silence with his distress signal. Five rescue ships responded.

Of the crew, only 317 survived.

Today, there are 127 living, and 107 came to see the granite and limestone memorial.

Louis P. Bitoni of Warren, Mich., was a seaman first class gunners mate 50 years ago.

Today, he brought 22 members of his family to the ceremonies, including his wife, brothers and their wives, his children and grandchildren.

After the unveiling he said: ''It's great. It's everything I hoped it would be.''

Dr. Lewis Haynes of Naples, Fla., the ship's doctor, and Harold Schechterle of Shelburn Falls, Mass., recounted their experience 50 years ago.

Haynes had removed the appendix of the ship's radar operator eight days before the sinking.

''It would be harder today,'' the doctor told his former patient, pointing at Schechterle's midsection, which Haynes said had grown over the years.

McCoy, part of the U.S. Marine detachment on the Indianapolis, brought his wife, three children and four grandchildren.

He has been chairman of the survivors association since it formed in 1960 and held it first gathering in Indianapolis.

Accepting the memorial today on behalf of the association, McCoy cut short his remarks.

''This heat reminds me of what it was like out there in that sea 50 years ago,'' he said.

Despite the heat and humidity, crowds lined both sides of the canal and the memorial plaza for the 50-minute ceremony, led by Marine Sgt. Maj. Mac Magana of Indianapolis.

When the canvas fell away from the memorial the crowd again stood and applauded.

Within minutes, two old warbirds, replicas of the aircraft that found the survivors—a PBY and a PV2 Harpoon—lumbered over the site as the participants again applauded.

Tuesday night, more than 2,000 people—including ''lost-at-sea family members''—attended a ''Banquet of Thanksgiving'' at the Hyatt Regency.

McCoy's son, Craig, 43, of Abiline, Texas, said now that the survivors' numbers are dwindling, their children have formed the group ''Second Watch'' to carry on the tradition.

MEMORIAL TO THE U.S.S. ''INDIANAPOLIS'' HELPS THE SURVIVORS PUT THE TRAGEDY BEHIND THEM

(By R. Joseph Gelarden)

As the chilling echoes of taps cut through a blistering summer sun, Eleanor Sforzo stood quietly. Her son, Joe Musarra Jr., reached out his burly arm and pulled her to his side.

Both had tears in their eyes—the smallish, white-haired woman remembering a young sailor who never came home, and her son, a Cleveland police sergeant, whispering a prayer for the dad he never knew.

The two were among the thousands gathered Wednesday at the Downtown Canal to dedicate a national memorial to the USS Indianapolis, the last U.S. ship lost in World War II.

Hundreds of old sailors, their once-dark military haircuts replaced with gray, joined with the wives and families of their shipmates in Downtown Indianapolis for a final salute to the fallen ship and the hundreds of crewmen who perished in the Pacific after the ship was torpedoed by a Japanese submarine.

''It's a very special day,'' Sforzo said.

It was a different world when Eleanor married Joe Musarra. The world was at war, and the rules seemed simple: Men went into the service, women stayed home.

Joe Musarra was assigned to the USS Indianapolis, one of the Navy's fastest and most powerful floating weapons. She was a veteran of 10 battles and served as a flagship for fleet admirals. She carried President Franklin D. Roosevelt on so many trips that he called her his ''ship of state.''

HELPED END THE WAR

Joe and Eleanor had only a few days together before he was ordered back to San Francisco to rejoin the Indianapolis for another mission. The ship had been ordered to speed to a tiny Pacific island to deliver a top-secret cargo, critical parts for the atomic bomb that was dropped on Hiroshima, Japan, in an act that ended the war.

''The ship was sunk in July. I was born in January,'' the son explained.

Eleanor remarried and had nine kids. She loved her new husband; but deep in her heart, she remembered her Joe.

''I hurt for a long time. But now the time for hurt is past. This (monument) is so nice. It is like a final memorial service,'' she said.

''Tell the people (the survivors) that they (the sailors that perished) are now with God and He takes special care of His own,'' she said.

For Charles B. McVay IV, the service was a fine tribute. But for his family, the story didn't end Wednesday. It won't be closed until the Navy wipes the court-martial off his father's record.

The sinking of the USS Indianapolis was the Navy's greatest sea disaster. About 880 of the nearly 1,200 crewmen were able to escape the sinking ship, which went down in only 12 minutes. Of the 880, only 317 were rescued days later.

For Capt. McVay, survival meant humiliation. The Navy brass, looking for a scapegoat, court-martialed him for failing to take a zig-zag course—one in which the ship might have avoided an attack.

Years later, his career ruined and still haunted by the military action, McVay committed suicide.

McVay's son, now 70, and many of the survivors who gathered for the memorial believe it's only right that the Navy admit it was wrong and take steps to erase that black mark from history. But until now, their requests have been rejected by presidents, Navy secretaries and admirals.

''Last night, at the survivor's dinner, Admiral Quast (Vice Admiral Philip M. Quast, the official Navy representative at the ceremony) and the Navy legal man (Joseph G. Lynch, assistant general counsel for the Navy Department), admitted to me that the court-martial was wrong. . . . It should never have happened,'' said McVay.

''It is the first time the Navy has ever admitted the truth. Maybe there is now a chance to clear his name.''

SHIP'S BELL RINGS AGAIN

Mike G. Obledo, 70, Houston, was one of McVay's sailors on the Indianapolis. But he didn't know the skipper. He was just another seaman on a great ship.

Wednesday, he and the other sailors marched into the ceremony as boatswain's pipes sang out and the old ship's bell tolled. The bell was removed from the ship when she went into wartime service. It is now kept at the Hessler Naval Armory in Indianapolis.

Obledo and his shipmate, Gus Kay, now a deputy sheriff in Illinois, were self-styled ''young punks'' when they were dumped into the milk-warm waters of the Pacific after the incident.

''I was on a net raft. The sharks took 63 of our guys, but I don't know how I survived,'' said Kay.

But Obledo thinks he knows the secret.

''It was prayer. That was about the size of it. You prayed. If you didn't know how to pray, you learned real quick.''

On Aug. 2, 1945, the crewmen of the Indianapolis were rescued.

Fifty years later, under a similarly searing sun, they finally were able to pay tribute to the ship, their lost shipmates and their families, and to each other.

''It's over,'' said retired Indianapolis firefighter Jim O'Donnell, the only local survivor.

''It's finally over.''

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

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. FAZIO of California. Mr. Chairman, this bill is an outrage, and it deserves to be repudiated and rejected by every member of this body.

This bill is unfair to the people who depend most on our government; our children and the elderly. This bill is shortsighted. It does not provide for investment in students and workers—the very people who will grow our economy.

This bill cuts $6.3 billion from programs that average working families depend on.

Why? The unvarnished truth is that my Republican colleagues feel the need to finance a tax break that goes largely for wealthy Americans. Don't buy the argument that this is just for deficit reduction.

Every Democrat in this House is prepared and committed to bring our budget into balance, and provide a solvent, secure future for our children.

Yet, one-half of the cuts in this bill are stolen directly from the single best investment we can make in our future: Education.

Overall spending on education has been slashed by nearly $4 billion. Few children have been spared. Some of the most significant and effective programs for kids—including title 1, School-to-Work, and safe and Drug-free Schools—are subject to potentially crippling cuts.

It's an exhaustive list, and frankly, to reduce this bill to a series of programmatic cuts, masks the underlying meanness of this bill. In its breadth and scope, this bill is simply a monster of inequity. If you're the principal wage earner in a hard-working family, or you've found yourself among the growing ranks of the working poor, and you desire to provide a brighter future for our children, this bill is a declaration of war.

In fact this bill declares war on opportunity. This bill puts politics ahead of principle. This bill values pay-offs ahead of the needs of people.

This much is certain. The Republicans don't discriminate. That is, if you're not on the receiving end of the Republican tax bail-out—if you're elderly, poor, young, unemployed, or just struggling to get by—you suffer in equal measure.

Seniors fare no better than our children. This bill sends a strong message to our senior citizens that their past efforts are no longer acknowledged, and that their current contributions are no longer appreciated.

This bill guts the Older Americans Act, including Green Thumb. It targets other programs which provide preventive health support, pension and Medicare counseling, and home meals to a growing senior population.

This bill undercuts the health and safety of American workers. It undermines the enforcement of hour and wage laws. It makes it more difficult for people who have lost their jobs to find new jobs by slashing job training. Some of the most vulnerable members of our society are subject to the most extreme—the most harmful—and the most mean-spirited provisions in this bill. If this bill is passed, victims of rape and incest will no longer be guaranteed the right to an abortion.

I urge my colleagues to stand up for working families and reject this bill. Don't allow the Gingrich Republicans to sell us down the river so they can reward their wealthy friends.

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

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. SERRANO. Mr. Chairman, I rise to express my extreme distress—even disgust—at the way H.R. 2127 provides for the programs of the Department of Health and Human Services. I was privileged to serve on the Labor—HHS—Education Subcommittee in the last Congress, and I was proud of our work under Chairmen Natcher and Smith and ranking Republican PORTER. But this bill is a disgrace, and I am glad I had no hand in writing it.

The bottom line is that this bill does not include enough money to meet the Federal obligation to protect and improve the health and well-being of all of us in the United States, but particularly of the most vulnerable among us. The victims of these cruel HHS spending cuts are many, and include the elderly, children, women, and working people. The few bright spots are not enough to save the bill.

There were modest increases in funding for community and migrant health centers and the maternal and child health block grant, but these came entirely at the expense of title X family planning, which was terminated, and the increases disappeared last night when family planning was restored.

This bill slashes, by more than 50 percent, the Healthy Start Program, which is today successfully reducing infant mortality in the South Bronx and other places.

There is a very small increase in the Ryan White CARE Act, but only for title I. The other titles are flat funded, although the HIV/AIDS epidemic continues to grow. My congressional district in the South Bronx is particularly hard hit by HIV/AIDS, and Ryan White funds from all titles are crucial to meeting the needs of the growing numbers of affected women, children, and adolescents.

There is a modest increase for the Centers for Disease Control and Prevention. But, while increases in key prevention programs such as sexually transmitted diseases, breast and cervical cancer, chronic and environmental diseases, and infectious diseases are welcome, equally critical prevention programs for HIV/AIDS, tuberculosis, lead poisoning, and injury are flat funded. And the National Institute for Occupational Safety and Health is cut by 25 percent and its training program is eliminated.

The bill quite appropriately increases funding for the National Institutes of Health, where scientists seek new understanding of biological processes and disease mechanisms that will permit us to challenge and defeat threats to our health, improving quality of life and saving lives. But the bill eliminates the separate appropriation for AIDS research, putting execution of the annual plan for NIH AIDS-related research, which Congress mandated, at risk.

The bill cuts nearly $400 million from the Substance Abuse and Mental Health Administration and totally eliminates the Center for Substance Abuse Prevention at the same time the Republicans' welfare reform proposals will vastly increase the need to prevent and treat mental illness and substance abuse.

The bill slashes the Agency for Health Care Policy and Research, a key player in learning—and disseminating its findings on—how to provide health care that is both high-quality and cost-effective.

There is a modest increase in the Job Opportunities and Basic Schools [JOBS] Program, which helps welfare recipients become self-sufficient.

The bill kills the Low-Income Home Energy Assistance Program [LIHEAP], which is simply immoral. Poor, mostly elderly people have died of the cold last winter and in the nationwide heat wave this summer. Killing LIHEAP assures that more of them will die.

The child care and development block grant is flat funded and obligation of its funds is delayed until the end of fiscal year 1996, at the same time the Republicans' welfare reform will be forcing more mothers of young children into the workplace.

This bill cuts Head Start. Cuts Head Start, Mr. Chairman. Maybe not by much, but Head Start is one of the most popular and successful early childhood programs we have, and, until this year, it has been permitted to expand toward the goal of meeting the needs of all eligible children. Many are still unserved, and more will be dropped from the program with this cut.

The bill cuts funding for temporary childcare/crisis nurseries and for abandoned infants assistance. It cuts child welfare training and research and adoption opportunities. It cuts development disabilities programs, Native American programs, and homeless services grants.

The bill savages the violent crime reduction programs enacted just last year.

The bill slashes Older Americans Act programs, including such services as prevention of elder abuse, preventive health, and the vital nutrition programs.

This bill, Mr. Chairman, even cuts basic functions of the Office of the Secretary, such as civil rights—and even the HHS inspector general.

Mr. Chairman, that's just funding. The riders related to HHS programs are astonishingly

wrong-headed. They trample on the health and well-being of our people. The abortion issue is the source of most of the mischief—this bill limits women's right to reproductive freedom, denies biomedical researchers—and sufferers from certain diseases—the hope of finding new treatments or cures using fetal tissue acquired under tight controls, and limits the ability of accrediting bodies to set standards for medical training.

Then there's title VI, a whole new bill that limits political advocacy by Federal grantees. Who is better prepared than providers of health, social, educational, and other services, to advise policymakers on the needs of their clients and the efficacy of various programs they participate in? And how do we justify proposing to violate these groups' first amendment rights to freedom of expression with their own money? The clear purpose of title VI is to silence the advocates for the poor, the sick, the elderly, the green, and other people whose needs or whose views of Federal obligations and Federal programs do not have the authors' support.

On the whole, the title II and the related legislative provisions of this bill are part and parcel with the entire bill—cruel and disastrous. This bill is a mean-spirited joke on anyone who believes that the Federal Government has a moral obligation to protect and improve the health and well-being of our population and to make the investments in our people that help them to be self-sufficient and our economy to be competitive.

The problems with this title illustrate why the entire bill deserves swift defeat and a complete rewrite. I urge my colleagues to reject H.R. 2127.

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

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. BEREUTER. Mr. Chairman, this Member rises today in opposition to the amendment by the gentleman from Arizona [Mr. KOLBE] that would strike the language in the bill that clarifies the congressional intent regarding the interpretation of the Hyde amendment.

This Member was one of the first Members of Congress to speak against the 1993 Clinton administration directive that required States to fund Medicaid abortions in cases of rape or incest. This directive is an unjustified and incorrect interpretation of the law and of congressional intent. It is certainly not the intent of Congress to mandate States to fund Medicaid abortions in the case of rape or incest, regardless of State law. The 1993 Hyde amendment to public law was very clearly not a mandate, but an enlargement on the limitation on the use of Federal funds, allowing States to use Medicaid funds to finance abortions in the case of rape or incest and of course to save the life on an indigent mother. The language in the bill we are considering today, would this Member hope once and for all, restates and further clarifies the original congressional intent in statute.

Mr. Chairman, this Member urges his colleagues to oppose the Kolbe amendment.

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

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Ms. BROWN of Florida. Mr. Chairman, I stand in strong support of Mr. GANSKE's amendment; and reaffirm the traditional policy of the Congress toward accreditation of medical schools and teaching hospitals. I believe that the medical profession, itself, should establish responsible standards for the recognition and approval of graduate medical education programs.

Further, I strongly oppose attempts by this Congress to interfere with the content of medical education and training standards of a private accrediting board. The Accreditation Council for Graduate Medical Education [ACGME] requirement, as currently written, allows individual medical residents—as well as institutions with religious or moral objections—to opt out of abortion training, so government intervention to protect individual conscience is not needed.

To prevent abortion training altogether because of the religious convictions of some, is ridiculous. Surely, this Congress will not be allowed to stand in the way of medical science and return us to an era of superstition and of strict religious control.

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

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. STUMP. Mr. Chairman, I rise in support of the bill.

I also want to thank Chairman PORTER for the cooperation and assistance he has given the Veterans' Affairs Committee on the portion of the bill for the Veterans' Employment and Training Service [VETS] at the Department of Labor.

Despite deep cuts in many other programs, VETS would be maintained very close to historic funding levels.

Mr. Chairman, I especially want to commend Chairman PORTER for being extremely receptive to concerns raised by the Veterans' Affairs Committee regarding funding for the National Veterans Training Institute in this bill.

The $2.8 million in the bill for fiscal year 1996 will enable the institute to continue providing quality training to both veterans groups and Government employees who help veterans find meaningful employment and job training.

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

A PROGRAM THAT WORKS

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 4, 1995

Mr. SPRATT. Mr. Speaker, Richard W. Riley, Secretary of the Department of Education and former Governor of my State of South Carolina, recently addressed the Council of State Administrators of Vocational Rehabilitation [CSAVR] as part of their annual meeting here in Washington. CSAVR is a national organization composed of the chief administrative officers of the State vocational rehabilitation agencies with responsibility for the administration of the Rehabilitation Act in the States and territories. They provide eligible individuals with mental or physical disabilities with the services needed for them to be placed in jobs in the competitive labor market.

In light of the recent attempts by the Economic and Educational Opportunities Committee to diminish the work of these dedicated men and women, I urge my colleagues to read Secretary Riley's remarks.

REMARKS OF RICHARD W. RILEY

Good morning, ladies and gentlemen. It is a great pleasure to have the opportunity to meet with you today. I want to thank Joe Owens and Elmer Bartels. I would like to recognize Judy Heumann, my Assistant Secretary for Special Education and Rehabilitative Services who has worked so effectively on these issues and her Deputy, Howard Moses who is here today.

A PROGRAM THAT WORKS

All of you are to be commended for the work you are doing in your states to help make the Vocational Rehabilitation program one of the shinning examples of what works in our nation—a truly successful working relationship between states and the federal government—a program that has helped more than nine million individuals with disabilities, from all walks of life, to secure gainful employment.

Each year more than 200,000 people enter or return to the competitive labor market or become self-employed—becoming fully contributing taxpaying members of our national

community. You are filling a need that needs to be filled. A poll taken last year revealed that 68 percent of people of working age with disabilities are not working and need services to help them get to the next level.

It is a unique program—and one which works.

As a former governor, I understand the concerns of some seeking to limit federal involvement in some areas of our lives. I certainly am all for lowering the federal bureaucracy when it can be accomplished without loss of important services. In fact, at the Department of Education, we have proposed the elimination of 59 education programs and the consolidation of 27 others.

But I also know the cutting for the sake of cutting is not necessarily a positive thing. And the elimination of a federal role when it is necessary and legitimate is bad public policy.

There are certain important responsibilities that we must uphold at the national level in order to ensure continued high quality programs like vocational rehabilitation that are, in effect, run by the states.

We certainly do not want to micro-manage your rehabilitation programs. But we can help to facilitate these important programs and provide the financial support that will keep your vocational rehabilitation programs running effectively.

I am so pleased that in my own home state of South Carolina, I was able to play a role in the development of a strong network of facilities that provide services to mentally and physically disabled people across the state. The program is still growing and helping people from all over the state become contributing members of the economy.

I am pleased to see Charles La Rosa, the South Carolina State Director here today. Charles has continued to provide the leadership that makes this program the success that it is. All across the state, new training centers—which, as you all know, are one of the essential pieces of successful vocational rehabilitation—have been opened, some even rising out of the vacant buildings left by closed car dealerships.

Today, this network—which now has 22 facilities—can boast that no one who wants to participate in the program will have to go farther than 50 miles to get to one of these centers.

And I know that South Carolina is not alone in this success. I can cite success stories of individuals across the nation who were completely dependent upon others for support and who are now, because they have gotten the proper vocational training, entering the world of independent work and living.

Fully three-fourths of the people who have received rehabilitation training throughout the nation as the result of this program, and who are now gainfully employed, report that their own earned income is their primary source of support. This is extraordinary and speaks volumes to those who might characterize this program as just another government handout.

As most people agree—and as we certainly are hearing in the current debate over welfare reform—people do not prefer to be supported by others, whether by government entitlement or family. Most people want, more than anything, to work and be contributing members of society. This program gives millions of individuals that chance.

COMPREHENSIVE APPROACH TO JOB TRAINING

Of course, as you all know, vocational rehabilitation is more than just a job referral or search program. It is more than simple employment training. And this is a crucial distinction.

Because, while many individuals need little more than job training and a helpful boost into the job market . . . a large majority need more assistance, guidance, encouragement and specialized services before they can become independent.

At its core, the vocational rehabilitation program offers a consistent, supportive, individualized, comprehensive treatment that helps to create a productive relationship or partnership between specially trained counselors and teachers, and individuals with disabilities.

At its best, it offers ''one-stop shopping''—a means for disabled individuals to get into, or return to, common activity and increased productivity.

75 YEARS OF SUCCESS

Happily, Congress has long understood the value and importance of vocational rehabilitation. Since its creation 75 years ago, this program has been continually reauthorized and expanded with bipartisan support. It has included special features that do not exist in regular job training programs. And it has created additional safeguards and encouragement to coordinate among different agencies so that individuals in need of services may be served efficiently and without delay.

As we all know, these are uncertain times which require stern budgetary measures. But these times also require thoughtfulness and consideration. This is not the time for arbitrary and shortsighted action.

Certainly, there are proposals floating around Capitol Hill these days which arouse my concern in this regard. I am worried that in the budget-cutting, big government-shrinking zeal of these times, some very valuable programs—including vocational rehabilitation—could be harmed.

While I strongly share the sentiments of some of these reformers to improve accountability and provide greater services for more people who need them. . . I do not, as I said earlier, believe in wholesale cutting or consolidating without careful thought and clear justification.

The inclusion of vocational rehabilitation in a broad-based consolidation of job-training programs could have a lasting negative impact on this program, and more importantly, could harm the very people it is intended to help.

The vocational rehabilitation program is the only job training program that includes an eligibility criterion of physical or mental disability. Adequately meeting the needs requires well-trained staff capable of offering a wide array of specialized services. Consolidation with other job training programs could well endanger this vital specialized capacity.

Moreover, coordination between this program and other job training programs does not necessarily require a merging of these programs. States are already afforded great latitude and flexibility in a number of areas. Members of my staff have recently met with some of you who have developed statewide ''one-stop shopping'' programs that encourage coordination between employment training and vocational rehabilitation programs.

So I hope you understand that our commitment to this program remains as strong as ever. We will, of course, continue our work to improve the program, and continue to help states in their efforts to educate employers about disabilities.

Now I may be preaching to the choir today, But I cannot say how strongly I feel about helping those who can become independent, contributing members of our society to do so. And, if we can break down a few barriers and overcome some prejudices at the same time—so much the better.

When I was Governor of South Carolina, it was one of my greatest pleasures to work, along with my wife Tunky (who was also very active in this area) to expand opportunities in employment and rehabilitation.

I was so pleased recently to learn that in South Carolina, even with a relatively high unemployment rate, individuals who have been trained in the State vocational rehabilitation centers are among the most desired employees. They understand the value of work and supervision, know how to work with their peers and colleagues, and know the value of production.

And ultimately, we can't ask for anything more.

Anthropologist Margaret Meade, wrote, ''If we are to achieve a richer culture. . . we must weave one in which each diverse human gift will find a fitting place.'' I believe that working together, we can achieve the rich diverse culture that is the ultimate goal of the American experience.

This is the promise of America, the promise of education, and the promise of rehabilitation.

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

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. BENTSEN. Mr. Chairman, with this legislation before us today we have been asked to make difficult choices. We have been asked to choose between funding for medical research and education, cancer research, and the right to choose. The committee has included regressive legislative language on choice, freedom of speech, and labor law, while decimating preschool, elementary, secondary, and post-secondary education. And that is what is wrong with the 1996 Labor/HHS/Education appropriations bill.

I applaud and support efforts by the committee to increase funding for the National Institutes of Health [NIH] by 6 percent. It is no secret that I have long advocated such funding levels, particularly in light of the fact that a majority of this same Congress voted to cut NIH in the fiscal year 1996 budget resolution which I opposed.

Biomedical research is an important, cost-effective investment in our Nation's health. Less funding for NIH would have dramatic effects on all Americans, including threatening the health of our citizens, reducing thousands of research projects, reducing potential cost savings from future treatments, and jeopardizing U.S. competitiveness in the biomedical industry.

Over 80 percent of NIH's budget goes to universities, institutes, and medical schools, and to their researchers who are on the verge of significant breakthroughs in treating diseases such as cancer, heart disease, Alzheimer's, and AIDS. These funds will continue research which could save millions of lives. I am proud to say that I have fought all efforts to cut NIH, including the levels contained in

this bill. I strenuously opposed the Blute amendment which would have cut NIH by $235 million.

I am also pleased that this House voted to restore funding for family planning programs. For over 25 years, title X funding has served as a cost effective and vital source of essential health care and family planning services for low-income women. At a time when we are working to reduce unintended pregnancy in America, we should be making birth control more accessible, not less. In addition, we should not penalize community health centers that help these women combat low-birth weights and inadequate nutrition. The reality is that this cut was aimed directly at Planned Parenthood, which the radical right has targeted.

I also approve of increases in breast and cervical cancer screening programs under the Centers for Disease Control, the Jobs Corps, special education programs and vocational rehabilitation services. In fact, I am an original cosponsor of legislation to meet this goal.

However, this legislation contains too many provisions which I believe are terribly misguided and completely unacceptable. For example, the summer jobs program, which provides 6,000 Houston area youngsters with jobs this past summer is eliminated under the Republican proposal. Texas will lose $66 million in funds for this program next year, and as a result, thousands more young people will be on the streets next summer. More importantly, these teens will lose an opportunity to receive valuable on-the-job training. Texas will also lose 22 percent in vital funds for school-to-work programs to help provide the transition from high school to high wage, highly skilled jobs. This program, which many community colleges in the 25th district utilize, helps train an able work force for the future.

Other programs slated for severe cuts include adult and youth job training programs which are cut 20 percent and the dislocated workers assistance programs which are cut by 30 percent. Any American who loses their job can expect to receive 30 percent less assistance than they may have otherwise anticipated. In southeast Texas, thousands of people in the oil and gas industry have lost their jobs and rely on this safety net to help them back on their feet.

The National Labor Relations Board and the Occupational Safety and Health Administration are significantly cut that they will face serious difficulties in protecting American workers. For example, the National Institutes of Occupational and Safety Health is cut by $32 million—this cut eliminates all training assistance, including safety training for hundreds of nurses and doctors at the University of Texas Health Sciences Center at Texas Medical Center in the 25th district.

The bill would repeal the Executive order banning the permanent replacement of striking workers. Under this provision, workers would lose a fundamental right to collective bargaining. Additionally, the legislation would alter the functions of the NLRB heretofore without precedent by requiring unanimous decisions. The cumulative effect of these initiatives is to deny American workers with equal rights under job security and safety laws.

I am deeply opposed to one provision which is part of a stealth campaign to take away a woman's right to choose. While this bill allows the use of State Medicaid funds for an abortion when the life of the mother is at risk, it prohibits the use of such funds to pay for an abortion for women who are victims of rape and incest.

I am also opposed to a provision in the bill which allows institutions to bypass the accreditation process if the standards include training in abortion procedures. The Accreditation Council for Graduate Medical Education [ACGME] is a private medical accreditation body responsible for establishing medical standards for more than 7,400 residency programs in this Nation. Under ACGME requirements, no institution or individual is required to participate in abortion training. Any program or resident with a moral or religious objection is exempted.

Congress has never before sought to override private education standards, let alone standards for training in medicine. Those who would take away a woman's right to choose have now turned their assault on both medical schools and doctors.

Some of the most egregious cuts in this bill, however, come in the area of education. Even Republicans would agree that education is the key to opportunity and success in our growing world economy. This bill cuts education programs in the billions of dollars. That is wrong.

In addition to cutting Head Start for our Nation's youngest children by $3.4 billion, this bill dramatically reduces funding for elementary, secondary, and post-secondary education. Title I compensatory education grants in the bill are cut 17 percent by $1.2 billion. Harris and Fort Bend counties, which I represent, would lose close to $15 million in funding to help children improve their reading and math skills, especially in disadvantaged communities.

The bill also proposes the elimination of Goals 2000, which is a voluntary program to help students improve their academic performance. Goals 2000 provides school districts with funds to bring technology like computers to the classroom, to increase teacher training, and to encourage parents to be actively involved in their children's education. Only yesterday, Texas received over $29 million in Goals 2000 grants to assist in the implementation of our State's education reform initiative which passed the State legislature earlier this year. Without this funding, we will lose an opportunity to build on the progress we have already made in Texas.

For college students, the Republicans have cut student loans and aid by $9.5 billion. They have eliminated the in-school interest subsidy for Perkins loans, which help millions of Americans attend college. On average, a Texas college student can expect to pay $5,000 more for college—and they'll start paying before they have even attended a class or moved into their dorm room. At Rice University, which is located in my district, 82 percent of all undergraduates receive student aid—that's 2,170 students who will most likely have to pay more for their education.

One other irresponsible provision in this bill prohibits any recipient of a Federal grant from spending grant funds on political advocacy. This provision is not about lobbying Congress as the Republicans would have us believe, it is about giving nonprofit organizations and individuals the right to express their opinions. This would gag such institutions as AARP, the Red Cross, and the Presbyterian Church, of which I am a member. At the same time, any Government contractor would still be free to subsidize their lobbying activities with Federal funds. This provision is a threat to free speech.

In the final analysis, while this bill would sufficiently fund programs which are of great national importance, in particular, the national Institutes of Health, when weighed against all of the egregious provisions affecting education, job training, choice, student loans, and free speech, I cannot support it as currently drafted. I urge its defeat while looking forward to preserving what is right about this bill and correcting what is wrong. That is our charge.

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

SPEECH OF

HON. ENID G. WALDHOLTZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mrs. WALDHOLTZ. Mr. Chairman, I am voting against the Kolbe-Lowey-Morella amendment to strike language in the Labor-HHS-Education appropriations bill allowing States to eliminate Medicaid funding for abortions for rape and incest because I believe that decisions on the use of State funds should be left to State governments.

However, I also firmly believe that women who are faced with deciding whether to end a pregnancy that is the product of rape or incest should not be forced to base their decision on their ability to pay.

Accordingly, while I respect and acknowledge the right of States to determine how to spend their funds, without Federal mandates, I strongly urge the State of Utah and other States to provide funding for abortions for victims of rape and incest who cannot afford to pay for themselves.

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

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. FAZIO of California. Mr. Chairman, I rise in support of the amendment offered by the

gentlelady from Hawaii, Congresswoman MINK, which would strike the provision of this bill prohibiting enforcement of title IX requirements with respect to gender equity in intercollegiate athletic programs.

Enforcement of title IX—with respect to athletics—ensures that our sons and daughters have an equal chance to take part in sports while they are in school. It is that simple. This enforcement takes into consideration the fact that different sports have unique differences that are justifiable—that some aspects of athletics programs do not have to be the same for men and women. The key is that the needs of male and female athletes are being met equally.

But the language in this bill would halt title IX enforcement. The net effect would be that intercollegiate athletic opportunities for female students—hampered as they already are—would be limited even more.

I know that today, nearly three decades after my own college athletic experiences, all of my daughters—each one of them a better athlete than her father—have been denied the access that I had to college sports. Women in college today still do not have the access and opportunity that men do. But title IX enforcement ensures that young women like my daughters would not be denied the same opportunity as their male counterparts to compete in college athletics.

All of our children should have an equal opportunity to participate in intercollegiate sports. I therefore urge my colleagues to support Congresswoman MINK's amendment, which would ensure that we continue to work toward guaranteeing that our sons and our daughters have their athletic interests and abilities encouraged and supported.

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

SPEECH OF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. PALLONE. Mr. Chairman, I rise in support of the Bateman Saxton Edwards amendment to restore $22 million to the Impact Aid Program. This program, which suffered a 15 percent cut in funding in fiscal year 1995 is scheduled for another $83 million in cuts this year. Together these figures translate to a drastic 2-year reduction of 26 percent for Federal impact aid.

The reason why this reduction is particularly drastic is quite simple. Impact aid is a program that provides for the education of the children of our military personnel and children on Indian reserves. Education programs run on federally owned property are, due to a lack of funds caused by an inability to collect State or local taxes, highly dependent on Federal funding. Without that assistance, the quality of education available for these children is certain to deteriorate.

I ask you, Mr. Chairman, do you think it is fair some children in our country should be offered a lower standard of educational training just because they happen to live on federal land? It seems clear to me that as it is the Federal Government who owns the land on which these children live, the Federal Government should be obligated, just as State and local municipalities are, to provide adequate educational services for children.

Mr. Chairman, what would you suggest I tell the military children of the Earle Naval Weapons Station in Tinton Falls and Fort Monmouth in Eatontown when I go back to New Jersey and they wonder why the resources for their education have been reduced? Indeed, how do I explain to their parents that their child's school day may have to be reduced because the government, though able to pay them to fight for their country, does not have enough money to educate their children? These are questions, Mr. Chairman, that they should not have to ask and I should not have to answer.

While I support efforts to balance the Federal budget, I believe attempting to do so by gutting valuable education programs like impact aid is unequivocally a step in the wrong direction. With the Department of Education projecting that 89 percent of the jobs being created in the United States will require post-secondary training, it is clear that cutting education programs jeopardize the well-being of our children and, ultimately, the economic growth of our Nation.

We must not allow the Federal Government to shirk its responsibilities to itself, and to our children. I urge my colleagues to act responsibly and vote ''yes'' on this amendment.

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

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. SERRANO. Mr. Chairman, the committee's draconian cuts to education programs represent a fundamental shift in our Nation's priorities. Less than 1 year after the passage of Goals 2000, President Clinton's ambitious plan to prepare our children for the 21st century, the Republican majority stands poised to initiate a massive rollback in funds for programs which benefit our most precious resource—our children. There can be no higher priority than their education and training for the future.

The more than $1 billion cut in title I, the program which serves our poorest children, the 59 percent cut to safe and drug-free schools, and the 75 percent cut to bilingual education, when combined with cuts at the State and local levels, will have disastrous consequences for our Nation's already overburdened and understaffed school systems.

In New York City, these cuts will result in nearly 42,000 fewer children receiving title I services, 9,000 fewer students in bilingual education programs, and the loss of nearly 3,000 teachers.

Other Members have spoken eloquently about the cuts to education programs. I would like to speak for a moment about the cuts to bilingual education programs. I find these cuts particularly troubling because the need for the services those programs provide is ever-increasing. The number of limited English proficient children is expected to increase to nearly 3.5 million by the year 2000. Studies have shown that language-minority students take several years to fully master academic English. Bilingual education allows these children to keep up with their peers in math and science courses, while simultaneously mastering the English language. These programs have been proven effective at reducing dropout rates, which for Hispanic children are more than 50 percent.

This bill eliminates funds for nearly 200 programs, including literacy training, student aid, and graduate fellowships. We cannot hope to remain competitive in the global marketplace if we do not provide for the education and training of all of our citizens, not just those who can pay their own way.

This shift in our priorities is unacceptable. I do not believe that the way to solve our fiscal problems is to shortchange our citizens and mortgage our children's future. I strongly urge the defeat of this bill.

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

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Ms. BROWN of Florida. Mr. Chairman, I stand in strong support of Ms. Lowey's amendment. Medicaid funds must pay for abortion in the case of rape or incest. Surely, our society is not so mean and brutal that it would force poor women to give birth against their will—especially in the case of rape or incest. Abortion is not a crime in this country. The law is clear on this matter. But you would not know this by the extremist, radical, right-wing proposals being attached to appropriations bills. Unfortunately, the radical religious right has driven terror in the hearts of this country over the issue of abortion.

Poor women, like all women, have a right to decide whether or not to terminate a pregnancy—certainly in the case of rape or inces.

Let's not turn the clock backward. Support the Lowey amendment.

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

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. STUMP. Mr. Chairman, I want to thank Mr. ISTOOK and Mr. MCINTOSH for the cooperation and assistance they have given the Veterans' Affairs Committee on the portion of the bill which would prohibit the use of Federal grants for political advocacy.

Veterans service organizations have raised concerns about this part of H.R. 2127.

They believe it could be interpreted to apply to space and office facilities which the Department of Veterans Affairs [VA] is authorized by law in title 38 to furnish to veterans groups.

These groups use the VA space and office facilities to provide individual veterans free representation on their disability compensation claims.

This is an important public service having nothing to do with political advocacy or Federal grants.

I have worked closely with Mr. ISTOOK and Mr. MCINTOSH to assure the veterans service organizations that there is absolutely no intent to include space and office facilities authorized under title 38.

Mr. ISTOOK and Mr. MCINTOSH have further assured the veterans service organizations and me that they will either amend the bill or work in conference for more specific language.

Then there will be no question whatsoever that veterans can continue to receive free assistance from veterans service organizations on claims related to their military service.

The bill also has an express exclusion covering the Pro Bono Representation Program of the Court of Veterans Appeals.

Ths program enables individual veterans to obtain legal representation on their claims which have been appealed to that court.

This program does involve a small amount of Federal grant money, but is not funding political advocacy, and the bill exclusion was drafted accordingly.

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

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. BEREUTER. Mr. Chairman, this Member rises today in support of the Federal Office of Rural Health Policy. Unfortunately, H.R. 2127 eliminates funding for this office.

Rural areas have vastly different health care needs than other parts of the country. The Office of Rural Health Policy provides many forms of assistance to rural communities and health care providers. For example, it directly assists rural communities through the provision of telemedicine grants and rural outreach grants. The telemedicine grants administered by the Office of Rural Health Policy make it possible for rural providers to initiate telemedicine systems now rather than wait for urban-based systems to eventually extend such services later. It also administers the important rural health outreach grant program. These grants are perhaps the most effective of any rural health grants because they require organizations within rural areas to work together to improve and strengthen the provision of health care.

The Office of Rural Health Policy also produces important annual reports through the National Advisory Committee on Rural Health. The most recent report focused on the impact of Medicare reimbursement policies on rural health providers.

Finally, the Office of Rural Health Policy supports research centers that address rural health policy problems. This research assists rural providers and policy makers on a local, State and Federal level in determining the best course of action to take to ensure that rural communities have adequate health care available.

Mr. Chairman, the Office of Rural Health Policy is not an unnecessary bureaucracy, but an important organization that works to improve available health care in rural areas. This Member urges his colleagues to support the continuation of this office in conference.

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

SPEECH OF

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Mr. SMITH of Texas. Mr. Chairman, as a member of the Budget Committeee that produced the first balanced budget in 25 years, I rise in strong support of the Labor/HHS appropriations bill. This bill provides Federal support for such important activities as biomedical research, Head Start, and special and higher education.

In other areas, this appropriations bill returns power, money, and control where it belongs: to our families for decisions around the kitchen table, to our neighborhoods, and to our State and local governments. Rather than education Presidents, this bill creates education classrooms and empowers education parents across America.

Some of the same people who opposed our balanced budget and have opposed every attempt to control the Federal deficit have resoted to demagoguery to attack this appropriations bill. With no positive plan of their own, they try to scare students and the parents of students about education spending.

Don't believe these purveyors of doubt, doom, and deficits. The question is not whether or how much we'll spend on education. The difference between our balanced budget that this appropriations bill is an essential part of, and the Clinton bogus budget, is who will do the spending.

The Clinton bogus budget assumes that Government knows what's best for your children. It provides for a big bureaucratic Department of Education and tells parents what your children should learn.

The American people know better. And this Congress was elected to be different. Support our education parents. Return power to our families and local communities. Vote in favor of the Labor/HHS appropriations bill, an essential building block of our balanced budget.

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

SPEECH OF

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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:

Ms. FURSE. Mr. Chairman it is cruel and callous to restrict Medicaid funding of abortions for rape and incest victims. When the Medicaid statute was written, Congress made clear its intention that it should cover all medically necessary services. I can hardly imagine a service more necessary than an abortion for a rape or incest survivor.

Rape is a crime—punished the victims of the crime.

It is estimated that between 15 and 40 percent of women are victims of rape or attempted rape during their lifetime. Policies that force rape and incest survivors to continue a resulting pregnancy will cause additional suffering for women who much already overcome poverty and sexual violence.

By an overwhelming margin of 84 percent, the public supports Government funding for abortion in cases of rape, according to a Time/CNN poll.

This bill also nullifies the requirement that medical residency programs must provide training in abortion techniques unless the individual or institution has a moral objection to it. And, it bans Federal funds from being used for embryo research which leading scientists and endocrinologists tell us may hold the key to curing such diseases as diabetes and Alzheimers.

Mr. Chairman, this Congress is out of step on issues of women's reproductive health care. I urge my colleagues to stand up for women and vote against this very bad bill.

Support Kolbe-Lowey admendment.

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

SPEECH OF

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

The House in Committee of the Whole House on the State of the Union 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 39, 1996, and for other purposes:

Mrs. JOHNSON of Connecticut. Mr. Chairman, we are all interested in lowering our national debt and eliminating the Nation's deficit. Appropriations Committee members and staff have worked hard on this legislation and I thank them for their effort. Achieving the goal of balancing the budget will mean we must make tough choices in the weeks, months, and years ahead.

There are provisions in this bill that I do not like. In education, it is shortsighted to cut 55 percent of the funding from the Safe and Drug-Free Schools and Communities Program, Title I, and bilingual education. I oppose eliminating the LIHEAP Program, and strongly oppose the reduction in job training at this time of dramatic and rapid changes in policies. There are cuts in the Older Americans Act that I believe are equally unwise and harmful, and finally provisions that belong in authorizing legislation, where issues can be considered in hearings and Members can have ample time to review information and have consistent discussions before voting on changes in policy.

At this time, my anguish over the terrible consequences of $200 billion deficits on average for the next 10 years overrides my concern that certain programs have been cut too drastically in this bill. To balance our revenues and obligations by 2002 or shortly thereafter, cuts in every sector of Federal spending will have to be made, but pace, balance, and fairness are necessary.

As you all well know, the Federal budget process is terribly cumbersome and this legislation has a long way to go in the legislative process. As it moves through the Senate and Conference Committee, I am confident that many of the bill's shortcomings will be addressed and I look forward to supporting the conference report next month. In regard to compensation for essential cuts, our children will inherit a diminished national debt and a fiscally strong nation, capable of funding strong essential services and creating good paying jobs.

Friday, August 4, 1995

Daily Digest

HIGHLIGHT

House passed communications bill.

Senate

Chamber Action

Routine Proceedings, pages S11353–S11481

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1121–1123, and S. Con. Res. 23. **Page S11451**

Measures Reported: Reports were made as follows:

H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, with amendments. (S. Rept. No. 104–126)

S. 922, to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment. (S. Rept. No. 104–127)

S. 227, to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions, with an amendment in the nature of a substitute. (S. Rept. No. 104–128) **Page S11451**

Measures Passed:

Congressional Recess/Adjournment: Senate agreed to H. Con. Res. 92, providing for an adjournment of the two Houses. **Page S11372**

Department of Defense Authorizations, 1996: Senate continued 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 S11353–S11437**

Adopted:

(1) Thurmond Amendment No. 2111, to provide a substitute for Title XXXI, authorizing funds for Department of Energy national security programs. **Pages S11353–77**

(2) Thurmond Amendment No. 2114 (to Amendment No. 2111), to make technical corrections relating to environmental restoration and waste management activities. **Page S11376**

(3) By 97 yeas to 3 nays (Vote No. 363), Boxer Amendment No. 2117, to provide a substitute for section 526, which amends a provision of the Uniform Code of Military Justice relating to forfeiture of pay and allowances and reduction in grade. **Pages S11388–89**

(4) Cohen Amendment No. 2118, to facilitate, encourage, and provide for efficient and effective acquisition and use of modern information technology by executive agencies. **Pages S11389–93**

(5) Specter Amendment No. 2081, to provide authority for the surrender of fugitives and the provision of judicial assistance to the international tribunals for Yugoslavia and Rwanda, in accordance with the obligations of the United States under certain resolutions of the United Nations Security Council. **Pages S11421–22**

(6) By 67 yeas to 27 nays (Vote No. 368), Leahy Amendment No. 2124, to support proposals to implement the United States goal of eventually eliminating antipersonnel landmines, and to impose a moratorium on the use of antipersonnel landmines except in sanctions against foreign governments that export antipersonnel landmines. **Pages S11422–26**

Rejected:

(1) Exon Amendment No. 2112 (to Amendment No. 2111), to delete funding for programs of hydronuclear experiments. (By 56 yeas to 44 nays (Vote No. 359), Senate tabled the amendment.) **Pages S11353–72, S11376–77**

(2) Reid/Bryan Amendment No. 2113 (to Amendment No. 2111), to strike the provision designating the location of the new tritium production facility of the Department of Energy. (By 57 yeas to 43 nays (Vote No. 360), Senate tabled the amendment.) **Pages S11372–77**

(3) McCain Amendment No. 2116, to mandate the money made available to the Department of Defense and used for civilian sporting events be re-imbursed to the Department of Defense. (By 80 yeas to 20 nays (Vote No. 362), Senate tabled the amendment.) **Pages S11385–87, S11389**

(4) Kohl Amendment No. 2119, to establish a limitation of $257,700,000,000 as the total amount authorized for fiscal year 1996. (By 51 yeas to 46 nays (Vote No. 364), Senate tabled the amendment.) **Pages S11393–S11403**

(5) Harkin Amendment No. 2121, to require NATO allies to pay 75 percent of added costs in keeping troops overseas and the cost of foreign national employment. (By 70 yeas to 26 nays (Vote No. 365), Senate tabled the amendment.) **Pages S11403–10, S11419**

(6) Levin Amendment No. 2122, to authorize funds for procurement of equipment for the reserve components according to their highest modernization priorities. (By 53 yeas to 43 nays (Vote No. 366), Senate tabled the amendment.) **Pages S11410–13, S11419–20**

(7) Glenn Amendment No. 2123, to strike provisions that reduce the period of obligated active duty service of graduates of the service academies. (By 52 yeas to 44 nays (Vote No. 367), Senate tabled the amendment.) **Pages S11413–19, S11420–21**

Pending:

Brown Amendment No. 2125, to clarify restrictions on assistance to Pakistan. **Pages S11429–35**

During consideration of this measure today, Senate took the following action:

By 37 yeas to 63 yeas (Vote No. 361), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Bumpers Amendment No. 2115, to repeal the defense firewalls established in the Fiscal Year 1996 Budget Resolution. Subsequently, a point of order that the amendment was in violation of section 306 of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S11377–84**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Monday, August 7, 1995. **Page S11437**

Senate may resume consideration of the bill on Saturday, August 5, 1995.

Treasury/Postal Service Appropriations, 1995—Agreement: A unanimous consent agreement was reached providing for the consideration of H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996 and a committee amendment thereto beginning on page 76, lines 10–17, regarding abortions, with a vote to occur on the committee amendment, on Saturday, August 5, 1995. **Page S11410**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled "Sustainable Energy Strategy: Clean and Secure Energy For A Competitive Economy"; referred to the Committee on Energy and Natural Resources. (PM–73). **Page S11450**

Transmitting the report of the District of Columbia Financial Responsibility and Management Assistance Authority's operating budget for fiscal year 1996; referred to the Committee on Governmental Affairs. (PM–74). **Page S11450**

Nominations Received: Senate received the following nominations:

2 Navy nominations in the rank of admiral. **Page S11481**

Messages From the President: **Page S11450**

Messages From the House: **Pages S11450–51**

Executive Reports of Committees: **Page S11451**

Statements on Introduced Bills: **Pages S11451–54**

Additional Cosponsors: **Pages S11454–55**

Amendments Submitted: **Pages S11455–71**

Notices of Hearings: **Pages S11471–72**

Authority for Committees: **Page S11472**

Additional Statements: **Pages S11472–74, S11478–81**

Record Votes: Ten record votes were taken today. (Total—368) **Pages S11377, S11384, S11389, S11403, S11419, S11420, S11421, S11426**

Recess: Senate convened at 9 a.m., and recessed at 11:48 p.m., until 8:30 a.m., on Saturday, August 5, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on page S11480.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—TRANSPORTATION

Committee on Appropriations: Committee ordered favorably reported, with amendments, H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the following business items:

S. 922, to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, with an amendment; and

The nominations of Lt. Gen. John P. Otjen, United States Army, to be Lieutenant General, and Lt. Gen. James R. Clapper, Jr., United States Air Force, for appointment to the grade of lieutenant general on the retired list.

NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of Terence T. Evans, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Michael R. Murphy, of Utah, to be United States Circuit Judge for the Tenth Circuit, James M. Moody, to be United States District Judge for the Eastern District of Arkansas, William K. Sessions III, to be United States District Judge for the District of Vermont, Ortrie D. Smith, to be United States District Judge for the Western District of Missouri, and Donald C. Pogue, of Connecticut, to be a Judge of the United States Court of International Trade.

House of Representatives

Chamber Action

Bills Introduced: Sixty-four public bills, H.R. 2193–2256; two private bills, H.R. 2257–2258; and eight resolutions, H. Con. Res. 93–98, and H. Res. 211–212 were introduced. **Pages H8533–36**

Reports Filed: Reports were filed as follows:

H.R. 782, to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government, amended (H. Rept. 104–230);

H.R. 1852, to authorize appropriations for the National Science Foundation, amended (H. Rept. 104–231);

H.R. 1870, to authorize appropriations for the activities of the Under Secretary of Commerce for technology, and for Scientific and Technical Research Services and Construction of Research Facilities activities of the National Institute of Standards and Technology, for fiscal year 1996, amended (H. Rept. 104–232);

H.R. 2043, to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, amended (H. Rept. 104–233);

H.R. 1296, to provide for the Administration of certain Presidio properties at minimal cost to the Federal taxpayer, amended (H. Rept. 104–234);

H.R. 1851, to authorize appropriations for carrying out the Federal Fire Prevention and Control Act of 1974 for fiscal years 1996 and 1997, amended (H. Rept. 104–235); and

H.R. 1816, to authorize appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996, amended (H. Rept. 104–236, Part 1). **Pages H8532–33**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Bunn of Oregon to act as a Speaker pro tempore for today. **Page H8425**

Communications Act: By a recorded vote of 305 ayes to 117 noes, Roll No. 635, the House passed 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. **Pages H8425–H8507**

By a recorded vote of 224 ayes to 199 noes, Roll No. 634, the House agreed to the Markey motion to recommit the bill to the Committee on Commerce with instructions to report it back forthwith containing an amendment requiring the establishment of a television rating code and requiring that televisions manufactured in or imported to the United States be equipped with program-blocking technology (V–CHIP). Subsequently the bill was reported back to the House with the amendment, and the amendment was agreed to. **Pages H8503–05**

Agreed To:

The Bliley amendment that, among other things, shortens from 15 to 6 months the length of time the FCC will have to promulgate rules for implementation of the checklist provisions and reduce the time span that a Bell company must operate their long distance service through a separate subsidiary from 3

years to 18 months (agreed to by a recorded vote of 256 ayes and 149 noes, Roll No. 627);

Pages H8444–60

The Stupak amendment that provides that nothing in the bill affects the authority of local governments to manage public rights-of-way or to require fair and reasonable compensation from telecommunications providers for use of such rights-of-way, and strikes provisions that prohibit local governments from distinguishing between types of telecommunications providers in imposing fees (agreed to by a recorded vote of 338 ayes to 86 noes, Roll No. 629);

Pages H8460–61, H8477

The Cox of California amendment that protects from liability those providers and users seeking to clean up the Internet and prohibiting the FCC from imposing content or any regulation of the Internet (agreed to by a recorded vote of 420 ayes to 4 noes, Roll No. 631); **Pages H8468–72, H8478–79**

The Markey amendment that limits to 35 percent the percentages of households nationwide that may be reached by TV stations directly owned by a single network or ownership group (agreed to by a recorded vote of 228 ayes to 195 noes, Roll No. 632); and

Pages H8479–85

The Markey amendment, as amended by the Coburn substitute (substitute agreed to by a recorded vote of 222 ayes to 201 noes, Roll No. 633), that establishes as national policy the encouragement of the television and video industry to establish industry-wide technology standards and rating procedures which would empower parents to block programming they deem inappropriate for their children. **Pages H8485–96**

Rejected:

The Conyers amendment, as modified, that sought to provide for an Attorney General review of the Bell company entry into new markets and to provide for approval unless the Attorney General found there was a dangerous probability that such company or its affiliates would successfully use their market power to substantially impede competition in the market such company sought to enter (rejected by a recorded vote of 151 ayes to 271 noes, Roll No. 630); and **Pages H8461–68, H8477–78**

The Markey amendment that sought to not deregulate cable rates for an existing cable system until a telephone company had actually been authorized to provide competing video services to subscribers in the same franchise area, limit the exemption from price controls for small cable operators to systems with 10,000 or fewer subscribers in its franchise area, and lower the complaint threshold under which the FCC could trigger a rate review from 5 percent of all subscribers to 10 subscribers (rejected by a recorded vote of 148 ayes to 275 noes, Roll No. 628).

Pages H8472–77

The Clerk was authorized to make technical corrections and conforming changes, and to delete duplicative material, in the engrossment of the bill.

Page H8507

Late Report: The Committee on Economic and Educational Opportunities received permission to have until noon on Friday, September 1, 1995, to file a report on H.R. 1594, to place restrictions on the promotion by the Department of Labor of economically targeted investments in connection with employee benefit plans. **Page H8507**

Rereferral: The bill H.R. 2077, to designate the United States Post Office building located at 33 College Avenue in Waterville, Maine, as the ''George J. Mitchell Post Office Building,'' originally referred to the Committee on Transportation and Infrastructure, was rereferred to the Committee on Government Oversight. **Page H8507**

George J. Mitchell Building: House passed H.R. 2077, to designate the United States Post Office building located at 33 College Avenue in Waterville, Maine, as the ''George J. Mitchell Post Office Building.'' **Pages H8507–08**

D.C. Convention Center and Sports Arena: House passed 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, 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. **Pages H8509–11**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of September 6, 1995.

Page H8511

Resignations—Appointments: It was made in order that notwithstanding any adjournment of the House until Wednesday, September 6, 1995, the Speaker and the Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. **Page H8511**

Extensions of Remarks: It was made in order that for the legislative days of Wednesday, August 2, Thursday, August 3, and Friday, August 4, all Members be permitted to extend their remarks and to include extraneous material in that section of the Record entitled ''Extensions of Remarks''. **Page H8511**

Designation of Speaker Pro Tempore: Read and accepted a letter from the Speaker wherein he designates Representative Davis to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6, 1995. **Page H8511**

Presidential Messages: Read the following messages from the President:

United States-Bulgaria nuclear energy agreement: Message wherein he transmits the text of a proposed Agreement between the Government of the United States of America and the Government of the Republic of Bulgaria for Cooperation in the Field of Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute—referred to the Committee on International Relations and ordered printed (H. Doc. 104–108); **Pages H8511–12**

Energy policy: Message wherein he reports to Congress on our Nation's energy policy—referred to the Committee on Commerce; and **Page H8512**

D.C. Financial Authority Budget: Message wherein he transmits the District of Columbia Financial Responsibility and Management Assistance Authority's operating budget for fiscal year 1996—referred to the Committee on Government Reform and Oversight. **Page H8512**

Senate Messages: Messages received from the Senate today appear on page H8507.

Quorum Calls—Votes: Nine recorded votes developed during the proceedings of the House today and appear on pages H8459–60, H8476–77, H8477, H8477–78, H8478–79, H8484–85, H8496, H8504–05, and H8506–07. There were no quorum calls.

Adjournment: Met at 8 a.m. and, pursuant to the provisions of H. Con. Res. 92, adjourned at 6:17 p.m. until noon on Wednesday, September 6.

Committee Meetings

REGULATION OF PUBLIC UTILITY HOLDING COMPANIES—SEC REPORT

Committee on Commerce: Subcommittee on Telecommunications and Finance and the Subcommittee on Energy and Power held a joint hearing on the SEC's June 19, 1995 report entitled ''The Regulation of Public Utility Holding Companies.'' Testimony was heard from Elizabeth Moler, Chair, Federal Energy Regulatory Commission, Department of Energy; Arthur Levitt, Jr., Chairman, SEC; Robert Gee, Commissioner, Public Utilities Commission, State of Texas; and public witnesses.

RESTRICT AUTHORITY OF D.C. SUPERIOR COURT—CERTAIN CHILD CUSTODY AND VISITATION RIGHTS

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia held a hearing on H.R. 1855, to amend title 11, District of Columbia Code, to restrict the authority of the Superior Court of the District of Columbia over certain pending cases involving child custody and visitation rights. Testimony was heard from Representatives Morella and Molinari; Charles Gill, Judge, Circuit Court, State of Connecticut; and public witnesses.

DEPARTMENT OF COMMERCE FUTURE

Committee on International Relations: Held a hearing on the Future of the Department of Commerce. Testimony was heard from Representatives Roth, Manzullo, Mica and Chrysler; Ronald H. Brown, Secretary of Commerce; Michael Kantor, U.S. Trade Representative; and public witnesses.

MINERAL LEASING ACT AMENDMENTS

Committee on Resources: Subcommittee on Energy and Mineral Resources approved for full Committee action amended H.R. 699, to amend the Mineral Leasing Act to provide for a royalty payment for heavy crude oil produced from the public lands which is based on the degree of API gravity.

SMALL BUSINESS CREDIT EFFICIENCY ACT

Committee on Small Business: Ordered reported amended H.R. 2150, Small Business Credit Efficiency Act of 1995.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

Joint Meetings

EMPLOYMENT SITUATION

Joint Economic Committee: Committee held hearings to examine the employment-unemployment situation for July, receiving testimony from Katherine G. Abraham, Commissioner of the Bureau of Labor Statistics, Department of Labor.

Committee recessed subject to call.

CONGRESSIONAL PROGRAM AHEAD

Week of August 7 through 12, 1995

Senate Chamber

On *Monday*, Senate will resume consideration of H.R. 4, Family Self-Sufficiency Act.

During the balance of the week, Senate expects to complete consideration of H.R. 4, Family Self-Sufficiency Act, and consider available appropriations bills, including: H.R. 1977, Interior, S. 1087, Defense, and other legislation, including: Conference reports, when available, and any cleared legislative and executive business.

(Senate will recess on Tuesday, August 8, 1995, from 12:30 p.m. until 2:15 p.m., for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: August 7, business meeting, to consider the nominations of Herbert F. Collins, of Massachusetts, to be a Member of the Thrift Depositor Protection Oversight Board, Resolution Trust Corporation, and Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States, 10:45 a.m., SH–216.

Committee on Commerce, Science, and Transportation: August 10, business meeting, to consider pending calendar business, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: August 9, to hold hearings on S. 1054, to provide for the protection of Southeast Alaska jobs and communities, 9:30 a.m., SD–366.

August 10, Subcommittee on Forests and Public Land Management, to hold oversight hearings to review the implementation of section 2001 (relating to emergency salvage of diseased dead timber on Federal forest lands) of the fiscal year 1995 Emergency Appropriations Supplemental and Rescissions bill (P.L. 104–19), 9:30 a.m., SD–366.

Committee on Foreign Relations: August 8, to hold hearings on the drug trade in Mexico and implications for United States-Mexican relations, 10 a.m., SD–419.

Committee on Governmental Affairs: August 9, Subcommittee on Oversight of Government Management and The District of Columbia, to hold hearings on 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, 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, 2 p.m., SD–342.

Committee on the Judiciary: August 10, to hold hearings to examine United States Sentencing Commission's cocaine sentencing policy, 2 p.m., SD–226.

Committee on Indian Affairs: August 9, business meeting, to mark up S. 487, to establish a Federal Indian Gaming Regulatory Commission to regulate Indian gaming operations and standards, 9:30 a.m., SD–106.

Select Committee on Intelligence: August 8, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Special Committee To Investigate Whitewater Development Corporation and Related Matters: August 7, 8, 9, and 10, to resume hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, Monday at 11 a.m., Tuesday at 9:30 a.m., Wednesday at 9:30 a.m. and Thursday at 9:30 a.m., SH–216.

House Chamber

House is not in session.

House Committees

Committee on Banking and Financial Services, August 7, 8, 9, 10, and 11, hearings on the failure and resolution of Madison Guaranty Savings and Loan Association and related matters, including allegations concerning White Water Development Corporation and the Executive Branch's handling of the investigation of matters pertaining thereto, 9:30 a.m., 2128 Rayburn.

Next Meeting of the SENATE

8:30 a.m., Saturday, August 5

Senate Chamber

Program for Saturday: Senate will consider H.R. 2020, Treasury/Postal Service Appropriations, 1996, and upon disposition, Senate expects to begin consideration of H.R. 4, Family Self-Sufficiency Act, or resume consideration of S. 1026, Department of Defense Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Wednesday, September 6

House Chamber

Program for Wednesday: Legislative program will be announced later.

Extensions of Remarks, as inserted in this issue

HOUSE

Baker, Richard H., La., E1634
Bentsen, Ken, Tex., E1640
Bereuter, Doug, Nebr., E1639, E1643
Brown, Corrine, Fla., E1639, E1642
Brown, Sherrod, Ohio, E1625
Callahan, Sonny, Ala., E1627
Collins, Cardiss, Ill., E1628
Fazio, Vic, Calif., E1638, E1641
Franks, Bob, N.J., E1635
Furse, Elizabeth, Ore., E1643
Gilman, Benjamin A., N.Y., E1625
Goodlatte, Bob, Va., E1628
Inglis, Bob, S.C., E1627
Jacobs, Andrew, Jr., Ind., E1636
Johnson, Nancy L., Conn., E1644
Kennedy, Patrick J., R.I., E1634
McCarthy, Karen, Mo., E1626
Martini, William J., N.J., E1634
Morella, Constance A., Md., E1626
Owens, Major R., N.Y., E1629
Pallone, Frank, Jr., N.J., E1642
Radanovich, George P., Calif., E1627, E1629
Richardson, Bill, N. Mex., E1636
Serrano, José E., N.Y., E1638, E1642
Smith, Lamar S., Tex., E1643
Spratt, John M., Jr., S.C., E1639
Stump, Bob, Ariz., E1639, E1643
Waldholtz, Enid G., Utah, E1641
Ward, Mike, Ky., E1634

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