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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

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House of Representatives

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, on this day, when our thoughts are focused on the violence that is all about us, we remember, reflect, and give thanks for individuals, young and old, who innocently lost their lives as a result of that violence. When a Cain kills an Able, we must confess that all of humanity is less because of it and all of humanity is pained from the act.

From shootings on city streets to the horrors of bombings bringing great loss of life and grief to people, our hearts cry out, Why, O God, Why?

With violence so commonplace, hatred so prevalent, anger so much a part of our lives, we must pray, O God, for a new understanding of Your peace.

We pray for a peace that will allow the lion and lamb to lie down together.

And, we pray for a peace where brother or sister will not again willfully or maliciously harm another human creature in Your kingdom.

So, for a few moments, as the work of the day begins in this place, we let our souls speak to You, O God, in words and thoughts that rise up in our innermost being. May the moments and our quiet personal expressions be a fitting tribute to the many who died a year ago and throughout this year as a result of humanity's violence. May our thoughts be also prayers for all those who now are left only with memories. Let us each in our own way remember and pray.

Hear our prayers, O Lord. Amen.

MOMENT OF SILENCE IN TRIBUTE TO OKLAHOMA CITY BOMBING VICTIMS

The SPEAKER. The Chair asks the House to join in a silent prayer for 168 seconds in honor and memory of the 168 Americans who died 1 year ago in Oklahoma City.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

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

EXPRESSION OF CONDOLENCES TO FAMILIES OF VICTIMS AND THE PEOPLE OF OKLAHOMA CITY

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

Mr. GINGRICH. Mr. Speaker, I want to rise today and on behalf of the entire House to express to the families of those who were killed 1 year ago and to the people of Oklahoma City who have borne up under such a tragedy the House's condolences, our sense of commitment to working with the people of Oklahoma City. I want to express the grief that all of us feel, both at the personal level for the loss of loved ones, for families torn apart, for children left without parents, for parents who lost children, but also to express what I think was the shock and the outrage of the whole House, and I believe of the whole country, that an American could do such a thing to other Americans.

I believe everyone in this House joins in condemning that kind of vicious and mindless violence against our fellow citizens, and on this day, in memory of the citizens of Oklahoma City, this House, I am sure, unanimously would want to extend our prayers, our concerns, and our thoughts to those families and in memory of their loved ones.

IN REMEMBRANCE OF OKLAHOMA CITY BOMBING VICTIMS

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

Mr. MONTGOMERY. Mr. Speaker, on behalf of the minority leader, Mr. Gephardt, and from my side of the aisle, we join with the Speaker in expressing our sadness of what has happened in Oklahoma City and where 168 were killed. We just had a silence of the whole House of 168 seconds in memory of those people who did lose their lives, so we should never forget or let this happen again, if possible.

I am not sure whether we could control sad incidents such as this, but to the people and individuals who were involved in government work, visiting that facility at Oklahoma City, we certainly go out and reach for them. As mentioned by the Speaker, some of these individuals were severely wounded, and watching in the news, these persons are fighting back, they are taking their wounds and they are moving ahead, and that is what we have to do in this great country.

So on behalf of my other colleagues, this is a sad day for us. Let us hope that it will never happen again.

LIBERAL JUDICIAL APPOINTEES

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

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Mr. CLINGER. Mr. Speaker, I believe that the American peoples' values do not reflect the values of President Clinton's liberal judicial appointees. Recently, disturbing evidence has come to light about liberal judges who have let criminals off the hook because their social conscience got the best of them.

Mr. Speaker, we do not need judges who care more about criminals than they do victims. We do not need judges who try to blame society for individual wrongdoings. The American people want our judicial system to hold people personally accountable for their actions.

Mr. Speaker, one thing is clear—judges make a difference in the lives of all Americans. Judges set the benchmark for what criminals think they can get away with. President Clinton's judges do not represent the values of our citizens. The Clinton judges are letting criminals off the hook.

THE ISSUE OF CRIME

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

Mr. SCARBOROUGH. Mr. Speaker, we have been talking so much about crime and about the prevention of crime, I am going to tell you, we are not going to be able to tackle the issue of crime until we get tough on criminals and, unfortunately, the Clinton administration continues to coddle criminals through the judges that they appoint.

Mr. Speaker, I am going to tell you, being from Florida, I am distressed by what a Florida judge recently wrote that was appointed by Bill Clinton. Rosemary Barkett, a Clinton judge, voted to reduce the death sentence of a murderer who sent a tape to the mother of the murdered victim, boasting about his crime and killing her daughter. Judge Barkett wrote:

> The killer's impatience for change, for understanding, for reconciliation matured into taking the illogical and drastic action of murder. His frustration, anger and obsession of injustice overcame reason. The murder victim was a symbolic representation of the class which caused the perceived injustices.

She went on to say he matured into the decision of killing this person, then bragging about it by mailing a tape to the mother of the murdered victim. And so she reduced the sentence. Let me tell you over the next 4 years, President Clinton or President Dole will elect and select one out of every four Federal judges that we appoint. It does not matter what laws we pass in this Chamber, so long as the President nominates justices that coddle criminals. We have got to get tough on crime by pushing the existing laws that we have and not by making new ones.

LIBERALS AND CRIME

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

Mr. BAKER of California. Mr. Speaker, well, we have just heard it, today we are celebrating that sad tragedy of a year ago, and while this House and the liberals talk about taking away private citizens' right to own a weapon, we do almost nothing to those heinous killers and criminals who violate society's rules. We have heard about Harold Baer until we are sick of it. Harold Baer decides that it is OK to run away from policemen. From kindergarten we are taught policemen are our friends and we, even if a red light is in front of them and they tell to you go through the light, do what the policeman says.

They run away from the policeman and Harold Baer says that is a natural thing to do in that neighborhood so they should not have searched the poor, sorry individual who only had 80 pounds of cocaine in the trunk of their car.

Then Rosemary Barkett, who we just heard about, and I am going to read her famous line because nobody could even believe this. She says this about a killer who killed someone and then sent a tape recording mocking the killing to the victim's mother. This is what she said about that inhuman human being:

> His impatience for change, for understanding, for reconciliation matured to taking the illogical and drastic action of murder. His frustration, his anger and his obsession of injustice overcame reason. The murder victim was a symbolic representation of the class which caused the perceived injustice.

You talk about it is society's fault, what nonsense. Let us get a new President and some new judges.

SPECIAL ORDERS

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

THE OKLAHOMA CITY TRAGEDY

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

Mr. GEPHARDT. Mr. Speaker, today, on the first anniversary of the tragedy that shook Oklahoma City and the entire Nation, I join with my colleagues on both sides of the aisle in offering condolences to the friends and families of those who lost their lives—gratitude to those Federal workers and citizens whose bravery saved lives—and resolve to do all we can to prevent such acts of hateful terrorism and violence from happening again.

No words or deeds of this Congress can ever bring back the dedicated public servants, citizens, and innocent children who lost their lives in the Oklahoma City bombing. Even 1 year after this awful tragedy, it is hard to find meaning in their loss—to make sense of the random hatred they suffered. And as we move toward enacting crucial antiterrorism legislation in the Congress, the image of those who lost their lives 1 year ago—especially the precious young children—reminds us of how fragile human life can be, and how each day is truly a blessing for ourselves and for our families.

My hope is that by remembering what happened on April 19, 1995, we will not only redouble our efforts to secure the safety and security of our citizens—beyond all boundaries of party or partisanship—but that we will also come to appreciate the gifts of service and citizenship we receive from our fellow Americans each and every day. Such gifts, like the good works of those who died in Oklahoma City and those who risked their lives to save others, are all too easy to take for granted.

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

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE BUDGET

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

Mr. SCARBOROUGH. Mr. Speaker, there has been so much debate over the past 6 months to 1 year over the balanced budget, and the budget battle, and Americans have been so swept away with sort of the currents of the demagoguery that is coming out of the White House and the debate that is going back and forth that we have really lost sight of really what has been happening here.

We have been governing by CR, continuing resolutions, where, since we cannot get the President to agree to a balanced budget deal, we go from month to month to month. I have been disappointed that we have not been able to get a balanced budget and wish that we could have moved swifter, wished that we would have had a President that would have signed the first balanced budget plan in a generation. But I found out something very interesting this past week.

What I found out was, even governing by CR, we are ahead of schedule to balancing the budget. We are further along on that 7-year track to balancing the budget than we would have been even if we had passed our 7-year plan last year. And this is great news. On the front page of Investors' Business Daily this morning, had a wonderful quote. The quote said that, while Bill Clinton has been winning the PR battle with the public, the Republicans have been quietly winning the war. This is great news for all of America today.

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

Mr. BAKER of California. It is good news, and I try and keep this fact well hidden, but I am one of the few budget analysts on the floor. For 4 years I worked for the department of finance in the State of California. If I had had

a little more personality, I would have become an accountant. But studying these figures, what we found out was we cannot change the way Washington does business. Over two-thirds of our budget is entitlements locked into law. That means an entitlement is when you show up at the window and you say, I would like some money, the Government shells it out. Until you change those laws, either requiring work from welfare recipients or requiring that people be citizens or making these other changes in laws, you are going to have the budget on automatic pilot.

Where we have made the improvements is in the discretionary funds, that small area outside of defense and outside of the entitlement areas where we can change. But there is only so much longer you can squeeze the parts in the other areas of the budget to make them efficient. It would be like asking IBM to get all of their salary savings out of the clerical help and not to do it out of the executives or any of the sales force. So IBM has to have a more balanced view as they try and downsize their corporate structure in order to make themselves profitable.

We in Government have to do the same thing. We have to change the entitlement process to make sure those people who receive a Government check are actually in need. That is what our welfare reform is about, and that is what all of the changes in immigration are about.

Mr. SCARBOROUGH. Mr. Speaker, there has been a lot of discussion, especially during the presidential campaigns that Americans do not care about balancing the budget, Americans have moved their attention to something else. I can tell you that I got elected and the majority of the 73 freshmen, Republican freshmen got elected in 1994 because we promised first and foremost to balance the budget.

Social issues aside, all this other stuff aside, we said we were going to spend only as much money as we take in. We are going to balance the budget. I am still hearing Americans tell me, at the 75 townhall meetings I have held over the past year and a half, they are still saying the same thing: Balance the budget, get Washington's business in order and you guys live by the same rules that we have to live by across the country. So this is great news.

Mr. BAKER of California. Mr. Speaker, if the gentleman will yield for one more thought, that is this is not even partisan. The demographics are what are crushing us. When the baby boomers, people younger than me, even, retire, 37 million people are going to stop paying 16 percent to Social Security and welfare and SDI, and they are going to start receiving.

Mr. SCARBOROUGH. Right.

Mr. BAKER of California. The ship goes upside down. This is not debate over whether we want to balance or whether we want to stop living off our grandkids.

Mr. SCARBOROUGH. Sure.

Mr. BAKER of California. By 2010 it is over. We have 14 to 16 years to straighten this out. While the others drag their feet, my own Senator ran ads saying, I will vote for the balanced budget, vote for me. She got here and reneged. It was the one vote that killed the balanced budget amendment.

We do not have the luxury any longer to debate whether. It is when and how, and those are tough decisions. I have projects in my district that I would like to see expanded, too, but we are going to have to suck it up, take our medicine and balance this budget. I appreciate the gentleman bringing up the point.

Mr. SCARBOROUGH. Reclaiming my time, you said something very important. This is not an ideological issue. If the environment is important to you, if you think we need to fund environmental cleanups, if somebody thinks that welfare is poverty to them, if somebody thinks Social Security is important, defense, it does not matter what the issue is.

MORE ON THE BUDGET

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

Mr. BAKER of California. Mr. Speaker, I yield to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. I was just going to say, regardless of what is important to you on issues, we must balance the budget first. We have got to make sure that on April 15 that Americans are not paying more of their tax money to service the debt than take care of the things that Government needs to take care of.

Again, the news today is great news. I read the news today, great news. We are actually winning the war against the deficit despite the fact we have had no cooperation from the White House.

Mr. BAKER of California. Mr. Speaker, next year we will go over the line. We spent more on the interest on the national debt than we do on defense. You know, this President is not hesitant about deploying our troops in all kinds of foreign wars. We have to say strong in defense. Interest on the national debt will exceed what we spend on defense.

Mr. SCARBOROUGH. The same people that vote against balanced budget are the same people that say we are spending too much money on defense.

Mr. BAKER of California. Fifteen percent of the budget.

Mr. SCARBOROUGH. If we are spending too much money on defense, we are really spending too much money on interest on the Federal debt. I say it is time we do what middle-class Americans have done for years, spend only as much money as you take in, balance the budget and cause an economic revival in this country that is unprecedented that will lift all the boats.

Mr. BAKER of California. Amen.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman.

CYNICISM IN AMERICA

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

Mrs. SCHROEDER. Mr. Speaker, this is the anniversary of the Oklahoma explosion, which made everybody stop in their tracks and ask very deep questions about the cynicism that is raging in America and about the cynicism that has been unleashed, I think most unfairly, on Government employees. They have been the scapegoats for so much of talk radio, so much of the hate that has been unleashed.

A year ago today, we suddenly saw the faces of Federal employees, that they were like us, that they had families, they were hard-working, they were there, they were trying to live their lives and serve their country. Suddenly, many of their lives stopped or many of their lives will never be the same. I hope that we continue to fight very hard to come out of this big hole of cynicism that we have dug ourselves in.

I remind people that the word ''cynic'' comes from the old Greek word about yapping dogs. Cynics really do not contribute anything positive, they just yap, yap, yap, yap, yap. And that type of thing ends up in destruction. It is very easy to destroy things. It is very difficult to rebuild. So if anyone has criticism, fine, but then tell us what you are going to do about it after your criticize.

I must also say, as I rise today to talk about this year anniversary, how very proud I am of my congressional district. Denver, CO, has been selected as the place to have the trial for the outcome of this Oklahoma explosion. Obviously the citizens of Denver were not particularly thrilled about that for fear that it just painted a big bull's eye on them for all sorts of security problems at our own Federal building, which is where the Federal courthouse is near, and all the other issues that might come from this trial, which will clearly be a very high-profile trial.

Yet, as we all know, as citizens, it is our part to make sure everybody gets a fair trial. It was determined a fair trial probably could not be held in Oklahoma City. So Denver, Colorado bit its lip and said OK, we have to do our part. I guess this goes on. This big media carnival will go on there, and we only hope justice comes out of the media carnival rather than something else. But in the interim, one of the very moving things that has happened that Coloradans have done has been their reaching out to the families of the Oklahoma victims. Many of the Oklahoma victims' families want to be present at these trials, want to come and want to see justice be done, want to sit in the courtrooms, want to participate in some way or another, to

make sure that this awful, awful tragedy does not go totally without anyone paying a price and they want to do that.

Yet, for them to come to Colorado is expensive for them, to stay in Colorado is expensive. The amazing thing that has been happening in Colorado is, as we hear these stories, the number of people, churches, community centers and everyone that have said we will open our doors. People can stay here. We will try and help fund folks who want to come and be here to help them through this grieving period and to try and make sure that they can witness this system that we call justice and we hope ends up being that I think is very moving.

So the saga of what Oklahoma City has done for Americans continues. It continues in my district by people continuing to reach out and try to help those who were struggling to deal with this as we are all struggling to deal in our own way with this. But I must say we also need to not only just tend to the wounds that came. Let us look at what caused those wounds to come, and it is the cynicism that has been unleashed in an unchecked manner in this country. Until we get that cynicism under control, there are no guarantees that this cannot happen again.

So, yes, continue to reach out, but also I hope everybody starts looking into what they have been doing and have they been contributing to the cynicism or have they been really trying to get on to constructive criticism. There is a huge difference between those two things. Somehow I think in the 1990's we forgot that distinction. Let us revitalize it.

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 Member (at the request of Mr. MONTGOMERY) to revise and extend his remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.

(The following Members (at the request of Mr. SCARBOROUGH) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day on April 19 and 22.

Mr. SCARBOROUGH, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BAKER of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. LANTOS.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes a.m.), under its previous order, the House adjourned until Monday, April 22, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2421. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule and interim rules—amending the Defense Federal Acquisition Regulation Supplement [DFARS], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2422. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China (China), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2423. A letter from the Director, Financial Crimes Enforcement Network, transmitting the Network's interim rule—exemptions from the requirement to report large currency transactions pursuant to the Bank Secrecy Act, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2424. A letter from the Director, Audit Oversight and Liaison, General Accounting Office, transmitting a report entitled, ''Financial Audit: U.S. Government Printing Office's Financial Statements for Fiscal Year 1995'' (GAO/AIMD–96–52) April 1996, pursuant to 31 U.S.C. 9106(a); to the Committee on Government Reform and Oversight.

2425. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2426. A letter from the Postmaster General, CEO, U.S. Postal Service, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2427. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing news stories and candidate debates staged by cable television organizations (11 CFR Parts 100, 110, and 114), pursuant to 2 U.S.C. 438(d)(1); to the Committee on House Oversight.

2428. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

2429. A letter from the Clerk, U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (No. 95–7051—*Fawn Mining* v. *Hudson*) April 5, 1996; to the Committee on Ways and Means.

2430. A letter from the Director, Audit Oversight and Liaison, General Accounting Office, transmitting a report entitled, ''Financial Audit: Independent Counsel Expenditures for the Six Months Ended September 30, 1995'' (GAO/AIMD–96–67) March 1996, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Reform and Oversight and the Judiciary.

2431. A letter from the Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, transmitting the Administration's final rule—implementing provisions of the Domestic Chemical Diversion Control Act of 1993, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on the Judiciary and Commerce.

2432. A letter from the Secretary of Veterans Affairs, transmitting the Department's sixth report describing the administration of the Montgomery GI bill—active duty educational assistance program, pursuant to 38 U.S.C. 3036; jointly, to the Committees on Veterans' Affairs and National Security.

2433. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to make various changes to laws affecting the management and operations of the Department of Defense, and for other purposes; jointly, to the Committees on National Security, Ways and Means, Transportation and Infrastructure, Commerce, and International Relations.

MEMORIALS

Under clause 4 of rule XXII,

217. The SPEAKER presented a memorial of the House of Representatives of the State of Georgia, relative to urging the U.S. Congress to appropriate funds at the fully authorized level for payments in lieu of taxes to local governments; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1050: Ms. WATERS.

H.R. 2976: Mr. NETHERCUTT.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Jack Metcalf, Thomas M. Foglietta, Thomas M. Davis, Fortney Pete Stark, Richard J. Durbin, Brian P. Bilbray, Patrick J. Kennedy, Joseph P. Kennedy II, Paul McHale, Sidney R. Yates.

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Vol. 142 WASHINGTON, FRIDAY, APRIL 19, 1996 *No. 51*

Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, a year ago at this very hour we were shocked and stunned by the catastrophic bombing of the Federal building in Oklahoma City. At this sacred moment of remembered grief, we join with millions of people across our land in mourning for the victims, especially the children, of this violent terrorism.

We ask You very specifically for two things this morning. Dear God, bless the families of these victims. Heal their grief and grant them a special sense of Your comfort and strength. May the outpouring of love from all over our Nation be a balm in the raw nerves and the aching wounds of their pain and anguish. And then, Holy Lord, press us forward in our battle against the fanatical forces of organized terrorism.

We thank You for the decisive legislation passed by this Senate. Now we unite our hearts in prayer that You will stay the hand of those who willfully cause suffering through acts of violent destruction. Rise up with mighty indignation, O God, and save our land from this danger. Lord God of Hosts, be with us lest we forget, lest we forget. In the name of our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

EXPRESSING THE SENSE OF THE SENATE ON THE ANNIVERSARY OF THE OKLAHOMA CITY BOMBING

Mr. DOLE. I send a resolution to the desk and ask that its title be read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary of the Senate read as follows:

A resolution (S. Res. 249) expressing the sense of the Senate on the anniversary of the Oklahoma City bombing.

Mr. DOLE. I ask unanimous consent that the resolution and its preamble be agreed to.

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

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, the resolution just agreed to expresses the sense of the Senate on this first anniversary of the tragic Oklahoma City bombing that took 168 lives. One of the provisions of the resolution is that the Senate join with the Nation in observing a moment of silence at 9:02 a.m. central daylight time. That moment now having arrived, I invite all Senators to join with me and with the staffs of Senators NICKLES and INHOFE who are in the gallery in observing 168 seconds of silence.

[A period of silence.]

Mr. DOLE. Mr. President, I now ask that the entire resolution be read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary of the Senate read as follows:

Whereas, on Wednesday, April 19, 1995, at 9:02 a.m. Central Daylight Time, a bomb exploded at the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, collapsing the north face of this nine-story building, killing 168 men, women, and children and injuring scores of other innocent victims;

Whereas, today, Friday, April 19, 1996, marks the one-year anniversary of this tragic event which is without equal in our nation's history;

Whereas, in the words of the Reverend Billy Graham to the families and survivors, ''Someday the wounds will heal, and someday those who thought they could sew chaos and discord will be brought to justice. The wounds of this tragedy are deep, but the courage and the faith and determination of the people of Oklahoma City are even deeper'';

Whereas, this was the deadliest terrorist attack ever on U.S. soil; and

Whereas, the United States Senate passed by an overwhelming margin the Comprehensive Terrorism Prevention Act on Wednesday, April 17, 1996; Now therefore be it

Resolved, That the Senate of the United States:

Observes a moment of silence at 9:02 a.m. Central Daylight Time in remembrance of the innocent children and adults who lost their lives or were injured in this heinous attack one year ago;

Remembers the families, friends, and loved ones of those whose lives were taken away by this abhorrent act;

Salutes the people of Oklahoma for the courage, faith and determination they have exhibited throughout the past year;

Commends the rescuers, federal agencies and countless volunteers who gave of themselves and their resources to provide aid and relief;

Commends the federal employees from across the nation who came to the aid of their co-workers during this crisis; and

Reaffirms its trust in our system of justice to ensure that the perpetrators of this heinous crime be convicted and appropriately punished so that justice may be served and carried out swiftly.

Mr. DOLE. Mr. President, I have long been inspired by the Kansas State motto: ''To the Stars Through Difficulties.''

The people of Oklahoma have persevered this past year through almost unimaginable difficulties with grace, with grit, and with courage. Our thoughts and prayers will remain with them as they continue to reach for the stars.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

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• Mr. NICKLES. Mr. President, today, we look back from the distance of a year's time to a tragic event without equal in our Nation's history. It is still almost impossible to believe that it actually happened—that such an abhorrent, evil act could have been committed in the heartland of America.

However, Oklahomans did not suffer through this tragedy alone. The sheer enormity of it drew the entire Nation to our side. People thought, ''If something like this could happen in Oklahoma City, it could happen anywhere.''

It was that awareness, I believe, coupled with the innate goodness of the American people that brought the flood of rescuers from all corners of the Nation. They came as strangers and left as friends. We will never forget them. They made us know we were not alone.

I know for many this first awful anniversary brings back the pain with a fresh intensity. But we should also recall the words of the Reverend Billy Graham who, at a memorial service in the aftermath of this evil deed, gave us hope.

He said, ''Someday the wounds will heal, and someday those who thought they could sow chaos and discord will be brought to justice. The wounds of this tragedy are deep, but the courage and the faith and determination of the people of Oklahoma City are even deeper.''

He was right.

We are introducing this sense-of-the-Senate resolution today because we remember. This resolution calls for a moment of silence at 9:02 a.m. central daylight time in remembrance of the innocent children and adults who lost their lives one year ago.

We remember the families, friends, and loved ones of those innocent victims, and we send you our sincerest prayers.

We remember the countless hundreds who were injured, physically and emotionally by the blast.

We remember the many more from all corners of the state and all corners of the Nation who came together to help in the rescue process and then in the healing process.

And we also are introducing this resolution because we recognize and pay tribute to the spirit of recovery, courage, and faith that has been an example and an encouragement to everyone.

I have never been more proud to be an Oklahoman.

In honor of those who lost their lives, I ask that their names be printed in the RECORD at this point.

The names are as follows:

Victims of the Oklahoma City Bombing

Names	*Ages*
Charles E. Hurlburt	73
John Karl Vaness III	67
Anna Jean Hurlburt	67
Donald Lee Fritzler	64
Eula Leigh Mitchell	64
Donald Earl Burns, Sr.	63
Norma Jean Johnson	62
Calvin C. Battle	62
Laura Jane Garrison	61
Olen Burl Bloomer	61
Luther Hartman Treanor	61
Kathy Cregan	60
Rheta Ione Bender Long	60
Raymond Johnson	59
Juretta Colleen Guiles	59
Robert Glen Westberry	57
Carolyn Ann Kreymborg	57
Leora Lee Sells	57
Mary Anne Fritzler	57
Virginia Mae Thompson	56
Peola Y. Battle	56
Peter Robert Avillanoza	56
Richard Leroy Cummins	55
Ronald Vernon Harding	55
LaRue Ann Treanor	55
Ethel Louise Griffin	55
Antonio C. Reyes	55
Thompson Eugene Hodges, Jr.	54
Alvin Junior Justes	54
Margaret Goodson	54
Oleta Christine Biddy	54
David Jack Walker	54
James Anthony McCarthy	53
Carol L. Bowers	53
Linda Coleen Housley	53
John Albert Youngblood	52
Robert Nolan Walker, Jr.	52
Thomas Lynn Hawthorne, Sr.	52
Robert Chipman	51
Dolores Marie Stratton	51
Jules Alfonso Valdez	51
John Thomas Stewart	51
Mickey Bryant Maroney	50
John Clayton Moss III	50
Carole Sue Khalil	50
Emilio Tapia-Rangel	50
James Everette Boles	50
Donald R. Leonard	50
Castine Deveroux	49
Clarence Eugene Wilson	49
Wanda Lee Watkins	49
Michael Lee Loudenslager	48
Carrol June Fields	48
Frances Ann Williams	48
Claudine Ritter	48
Ted Leon Allen	48
Linda Gail Griffin McKinney	47
Patricia ''Trish'' Ann Nix	47
Betsy Janice McGonnell	47
David Neil Burkett	47
Michael George Thompson	47
Catherine Mary Leinen	47
Sharon Louise Wood Chesnut	47
Ricky Lee Tomlin	46
Larry James Jones	46
Richard Arthur Allen	46
Harley Richard Cottingham	46
Lanny Lee David Scroggins	46
Gilberto Martinez	45
George Michael Howard	45
Jerry Lee Parker	45
Judy Joann Fisher	45
Diane Elaine Hollingsworth Althouse	45
Michael D. Weaver	45
Robert Lee Luster, Jr	44
Peter Leslie DeMaster	44
Katherine Ann Finley	44
Doris Adele Higginbottom	44
Steven Douglas Curry	44
Michael Joe Carrillo	44
Cheryl E. Bradley Hammon	43
Aurelia Donna Luster	43
Linda L. Florence	43
Claudette Meek	42
William Stephen Williams	42
Johnny Allen Wade	42
Larry Laverne Turner	42
Brenda Faye Daniels	42
Margaret Louise Clark Spencer	42
Paul Gregory Broxterman	42
Paul Douglas Ice	42
Woodrow Clifford ''Woody'' Brady	41
Clause Arthur Medearis	41
Teresa Lea Lauderdale	41
Terry Smith Rees	41
Alan Gerald Whicher	40
Lola Renee Bolden	40
Kathy Lynn Seidl	39
Kimberly Kay Clark	39
Mary Leasure Rentie	39
Diana Lynn Day	38
Rebecca Anderson	37
Robin Ann Huff	37
Peggy Louise Jenkins Holland	37
Victoria Jeanette Texter	37
Susan Jane Ferrell	37
Kenneth Glenn McCullough	36
Victoria Lee Sohn	36
Pamela Denise Argo	36
Rona Linn Chafey	35
Jo Ann Whittenberg	35
Gilbert Xavier Martinez	35
Wanda Lee Howell	34
Saundra Gail ''Sandy'' Avery	34
James Kenneth Martin	34
Lucio Aleman, Jr.	33
Valerie Jo Koelsch	33
Teresa Antionette Alexander	33
Kim Robin Cousins	33
Michelle Ann Reeder	33
Andrea Y. Blanton	33
Karen Gist Carr	32
Christi Yolanda Jenkins	32
Jamie Lee Genzer	32
Trudy Rigney	32
Ronota Ann Woodbridge	31
Benjamin Laranzo Davis	29
Kimberly Ruth Burgess	29
Tresia Jo Mathes-Worton	28
Mark Allen Bolte	28
Randolph Guzman	28
Sheila R. Gigger Driver	28
Karan Denise Shepherd	27
Sonja Lynn Sanders	27
Derwin Wade Miller	27
Jill Diane Randolph	27
Anita Hightower	27
Carrie Ann Lenz	26
Cynthia Lynn Campbell Brown	26
Cassandra K. Booker	25
Shelly Deann (Turner) Bland	25
Scott Dwain Williams	24
Dana LeAnne Cooper	24
Kathry Ridley	24
Julie Marie Welch	23
Frankie Ann Merrell	23
Christine Nicole Rosas	22
Lakesha Levy	21
Cartney J. McRaven	19
Aaron M. Coverdale	5
Ashley Megan Eckles	4
Zackary Taylor Chavez	3
Kayla Marie Haddock	3
Peachlyn Bradley	3
Chase Dalton Smith	3
Anthony Christopher Cooper II	2
Colton Smith	2
Elijah Coverdale	2
Dominique R. London	2
Baylee Almon	1
Jaci Rae Coyne	1
Blake Ryan Kennedy	1
Tevin D'Aundrae Garrett	1
Danielle Nicole Bell	1
Tylor S. Eaves	8 months
Antonio Ansara Cooper, Jr.	6 months
Kevin Lee Gottshall II	6 months
Gabreon Bruce	4 months•

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

• Mr. INHOFE. Mr. President, the 1-year anniversary of the bombing of the Murrah Federal Building in Oklahoma City reminds us of many things. We recall the emotional shock and grief. We visualize the physical destruction and devastation. We revisit the still unanswered questions: Why this terrible deed and why Oklahoma, of all places?

But at the same time, we must also remember the remarkable flowering of

the true spirit of our great Nation. In the wake of unspeakable pain and adversity, there came extraordinary acts of heroism, compassion, and voluntarism. There came a unity of purpose and strength of faith few would have believed possible.

We were moved beyond words by the outpouring of help and assistance which came without solicitation from friends far and wide, from caring individuals, public servants, private organizations, and communities throughout Oklahoma and throughout America. We were reminded what a truly great country this is and how blessed we are here in the land of the free and the home of the brave.

On behalf of all of us in Oklahoma, thank you, America. Thank you for helping. Thank you for caring. Thank you for being there in this most difficult time of need.

Nothing anyone can do will erase the indelible scars, pain, and loss that innocent citizens in our State have suffered. But the memories of the generosity and compassion displayed by so many will live in our hearts forever.●

Mr. DOLE. Let me now yield to my distinguished colleague from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator.

I join my colleague, the majority leader, in his prayers for the families of the victims of the Oklahoma City bombing and the entire American family for the great tragedy that event caused to all of us.

REMEMBERING THOSE WHO LOST THEIR LIVES IN BOSNIA

Ms. MOSELEY-BRAUN. At this time, Mr. President, I also call upon my colleagues and the American people to offer a prayer in behalf of the late Secretary of Commerce, Ron Brown, and the 34 others who died with him that tragic day in Bosnia. They were serving our Nation. They were pursuing the goals of peace, and their deaths all came too soon. Because of those losses, as a country we have lost so much.

I appreciate the majority leader giving us this opportunity to express our great sympathy and condolences to their families and again to give us a chance to reaffirm the mission; that they have all given their lives in pursuit of the higher goals of our Nation.

Thank you very much, Mr. President. I yield the floor.

Mr. DOLE. I now ask, in response to the statement by my colleague from Illinois, that we now observe a moment of silence in honor of the memory of Ron Brown and others who died in that tragic accident.

[A period of silence.]

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. KERREY. Mr. President, is the order morning business?

The PRESIDING OFFICER. The Senator is correct. We are in morning business, but the first part of morning business is controlled by the Senator from Georgia, Senator COVERDELL.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to speak for 5 minutes in morning business.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if following the Senator, I could speak for 4 minutes in morning business?

Mr. COVERDELL. Mr. President, reserving the right to object, I say to the Senator from Alaska, we have people trying to catch aircraft. Is it an absolute necessity he have the time? Otherwise, on the time we control, I am trying to accommodate people who are trying to catch aircraft, so I cannot relinquish and relinquish. Does that create a problem for my colleague?

Mr. MURKOWSKI. What is the order of business, if I may ask the Chair?

The PRESIDING OFFICER. The order of business at the present time is we are in morning business and the Senator from Nebraska, under a previous order, has 5 minutes.

Mr. COVERDELL. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Is it not true the Senator from Georgia has control of 1 hour and 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. We relinquished 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. That is correct. The Senator from Nebraska is recognized.

Mr. MURKOWSKI. The Senator from Alaska has asked for 4 minutes following the Senator from Nebraska.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Reserving the right to object, I am going to grant the 4 minutes, but I want it to be known that I will ask to recover these 10 minutes at the end of it, because we have people who are lined up. Again, I am trying to accommodate people, so this will be the last I will acknowledge.

The PRESIDING OFFICER. Without objection, the time will not be taken out of the time of the Senator from Georgia.

The Senator from Nebraska is recognized.

IRAN-BOSNIA

Mr. KERREY. Mr. President, I rise to discuss the investigation which the Select Committee on Intelligence has undertaken at the majority leader's request regarding allegations that the administration may have secretly acquiesced in or facilitated Iranian arms shipments to the Bosnian Moslems in 1994 and 1995, in violation of stated United States policy. This is a serious request made by a Senator long involved with United States policy in Bosnia. Some have said this request was made for political reasons. Perhaps that is the case. But there is also sufficient reason to believe the Senator from Kansas would have made this request regardless of the political climate or season.

The Intelligence Committee begins this task with a solid base of information because we received some, but not all, of the intelligence available to the administration at the time the Iranian arms shipments were occurring. Our committee has been reviewing and adding to that information base in the 2 weeks since Chairman SPECTER received the majority leader's request. We are well positioned to do a through job for the Senate on the sensitive intelligence issues surrounding this matter, particularly the question of whether or not the administration conducted a covert action without informing Congress.

In addition to our familiarity with the topic, the Intelligence Committee is also likely to do a good job on its part of this investigation because we are a bipartisan committee. In setting the strength and composition of the committee, the Senate directed, in Senate Resolution 400, that our membership be close to balance at nine majority members and eight minority, regardless of the composition of the Senate floor, and that the senior minority member function as a vice chairman, not as a ranking member. In creating the Intelligence Committee, the Senate clearly believed that intelligence was too sensitive to be overseen in a partisan, adversarial manner. Chairman SPECTER approaches his leadership duties on the committee in that nonpartisan spirit, and so do I.

The history of this committee is replete with conduct like that of Senators COHEN and WARNER, BOREN, NUNN, MOYNIHAN, and others, who have come to this committee and said we are not going to serve in a partisan fashion. We are not going to answer the call of our party, we are going to answer the call of our country. The present and future course of this committee should as well.

Open allegations against the administration, and a requirement to investigate those allegations, can strain even the most sincere commitment to bipartisanship. Those strains have not

yet been felt in the Intelligence Committee in this case. Chairman SPECTER and I have tasked a single group of professional staff to support all committee members and all information which comes into the committee's hands will be shared equally with all members. This is the way we have always operated.

As for myself, I don't see the vice chairman's role to be an advocate of the administration. As we pursue questions, I will not be a Democratic Senator defending fellow Democrats, but rather a U.S. Senator following the facts wherever they lead and reaching a conclusion based on those facts. I am confident Chairman SPECTER feels the same way about his role.

I spoke of the Intelligence Committee's readiness to do a thorough job. Our thoroughness will be improved if we get all the relevant information from the administration. As many colleagues are aware, the committee has been denied the opportunity to read the intelligence oversight board's report on this case. The implication is clear that if we subpoena the report, the President will assert executive privilege.

The intelligence oversight board is wholly within the Executive Office of the President, so there may be legitimate executive privilege here. But if the report is off limits to Congress, then the administration should not cite the report as having determined that no covert action occurred. The administration can't have it both ways. They should either give Congress the report, or stop citing it as vindication.

An Associated Press story yesterday quoted a White House spokeswoman, Mary Ellen Glynn, saying, ''the point is not to withhold information. The point is to protect sources.'' Mr. President, this rationale for denying information to Congress has no basis. The Intelligence Committee has received and stored the most highly classified material for years, and its record for protecting sources and methods is far better than that of the executive branch. So security is simply no excuse, and an invalid reason to deny information to Congress. My advice to the administration is, fully inform Congress.

The committee lacks all the facts, but on the basis of what we have, I do not see evidence of a covert action. But I stress that is a preliminary assessment and not a conclusion. I am open to the evidence. Certainly, if there was a covert action, Congress should have been informed, and the Intelligence Committee received no such information. If press reports are correct, in later 1994 CIA Director Woolsey sensed from information he was getting from CIA channels that a United States covert action, an action he and presumably other CIA personnel were not privy to, was in progress in Croatia. Director Woolsey reportedly came to the White House with his concerns. The Intelligence Committee needs to know what evidence was the basis of Director Woolsey's concerns. We also need to know why he did not share his concerns with the oversight committees.

Mr. President, my interest in getting to the bottom of this case is not based solely on the majority leader's request. In my view, if the press reports are correct, the United States chose a course of action in Croatia and Bosnia with very serious down-side risks. The Bosnian situation was and is exceptionally complex and presented few good options to policymakers. But our alignment with Iran, even if it was a passive and accidental alignment, was very dangerous. Every President since Jimmy Carter has declared a state of emergency with respect to Iran, and United States laws and Executive orders have embargoed imports from Iran, limited United States exports to Iran, banned United States trade and investment in Iran including the trading of Iranian oil overseas by United States companies or their foreign affiliates, and placed sanctions on persons or countries who supply Iran with any goods or technologies that could contribute to Iran getting destabilizing conventional weapons or any weapons of mass destruction technology. These laws and Executive orders are there for a reason: to contain and isolate a country which conducts and supports terrorism and attempts to proliferate nuclear and chemical weapons. A policy which depends on such an amoral country to arm the otherwise defenseless Bosnian Moslems is dangerous—not merely politically dangerous, but potentially threatening to our allies and eventually to our own forces, when they deployed a year later. To turn a blind eye to Iranian shipments is to turn a blind eye to the possibility of United States casualties at the hands of the very people we have allowed to be armed, especially with a United States deployment imminent.

Critics of this policy have to admit an inconvenient fact: risky as it was, the policy worked. Our allies did not pull their forces summarily out of the former Yugoslavia, which they might have done if we had unilaterally lifted the arms embargo. The Bosnian Moslems were not overwhelmed; in fact, they defended themselves creditably and even went on the offensive. The policy brought about a balance which made possible the Dayton Accords and the peace which IFOR is enforcing today.

But even though the administration's risky Bosnia policy has worked, at least so far, the Intelligence Committee is obligated to investigate whatever may have been the United States role in the Iranian arms shipment. I take that obligation very seriously, and I look forward to joining with my chairman in rendering a full report.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleagues from Alaska and Georgia for yielding me a moment. I compliment my distinguished colleague from Nebraska for his eloquent statement. I think it is very important, as Senator KERREY has outlined, the bipartisan, nonpartisan nature of the Intelligence Committee being emphasized.

As Senator KERREY, I approach this investigation with a total open mind and no predisposition and determination to see the inquiry is totally nonpolitical, bipartisan, nonpartisan, as we take a look at the shipment of Iranian arms to the Bosnian Moslems.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

IN THE SPIRIT OF EARTH DAY

Mr. MURKOWSKI. I thank the Chair and my colleague.

Mr. President, on the eve of Earth Day, I want to alert Members of legislation that I will be introducing to help raise funds from the private sector to support our national parks, particularly with regard to repair. In this regard, I think it is appropriate that we thank the thousands of people and organizations who are answering the call to help repair and preserve an important part of this Nation's past and future: the historic C&O Canal.

That canal extends 184 miles between Cumberland, MD, and Georgetown in the District of Columbia. The C&O Canal National Historic Park is a major recreation attraction and a part of our national heritage. As we know, the flooding of the Potomac River in the blizzard of 1996 has taken a heavy toll. Repairs require funds at a time when our Federal budget is already stretched to the hilt.

That is where the sweat and ingenuity of the private sector is going to come in. Let me tell you about it, because it is going to come in a big way.

In the spirit of Earth Day, which asks every one of us to do what he or she can to help make the Earth a better place, people and organizations are rising to the challenge and giving their money, time, and effort.

The National Parks and Conservation Association, with the help of WRC–TV Channel 4 and others, has organized and publicized tomorrow's March for Parks along the canal route. The purpose is to raise funds for the canal. These organizations have done an outstanding job on the project and thousands of dollars are already pouring in. They are doing a wonderful service to the Nation.

In an effort to keep these private donations coming in, I am today announcing the introduction of legislation which will help raise as much as $100 million in each year in support of our national parks, specifically for repairs.

First, the legislation will revitalize and expand the scope of the operation

of the National Park Foundation so it can work with the private sector to raise additional funds for parks. It would encourage business relationships similar to those engaged by the National Fish and Wildlife Foundation and the National Forest Foundation.

Second, it will grant the sort of authority already enjoyed by the U.S. Olympic Committee to sanction appropriate private sponsorship of the parks.

Third, each year publishing, advertising, movie making, and similar pursuits make use of the intellectual property and assets of our national parks with virtually no return to the parks. Reform is needed to enable the Park Service, through the National Park Foundation, to capture some of the potential income through licensing and other marketing agreements.

Fourth, the legislation will contain safeguards to negate improper commercialization of our parks, but it will allow new revenue-generated opportunities outside the parks in partnership with the private sector.

The National Park Foundation was created by Congress in 1967 as an official nonprofit partner of the National Park Service. It serves as a vehicle for donors who want to contribute with the assurance that gifts will be carefully managed and used wholly and exclusively for the purpose specified by the donor. It is governed by a board of civic and distinguished leaders committed to helping the parks, with the Secretary of the Interior serving as chairman, and the Director of the Park Service serving as secretary. None of this is going to change, Mr. President.

During the last 5 years, the foundation has made over $10 million in grants to our national parks, but the changes contained in my legislation will empower it to contribute much more for the repair and preservation of the C&O Canal and other elements of our park system.

Obviously, none of this will or should detract from the Federal Government's or the Park Service's responsibility to our parks. The goal is to augment that involvement with additional private funds, much like those currently being raised by the March for Parks, and I commend the Secretary of the Interior for his effort in this regard.

Finally, we need the private sector, including those for-profit organizations who have used the National Park Service facilities and property and given little or nothing in return to help sustain our parks for the future.

The private sector can help by providing additional funds for resource management and infrastructure repair required in our parks across the Nation.

The C&O Canal National Historical Park and our other park units across the Nation connect us to our past and provide us with a vision of the future. They are some of the most beautiful and historic parcels of land to be found. In the spirit of Earth Day and American generosity and philanthropy, it is time for us to make the effort to meet the challenge.

Thanks to the NPCA, WRC-TV and the thousands of marchers and volunteers who tomorrow will be helping to show us the way. In the spirit of Earth Day, I ask for each Senator's help in passing this legislation to help our parks, and I commend our leader, Senator DOLE, for supporting this.

I thank the Chair and thank my friend from Georgia.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

A TRAGIC ASSAULT: DRUG USE AMONG TEENAGERS

Mr. COVERDELL. Mr. President, this morning we gathered in the Senate Chamber to remember a very solemn moment in American history: the needless loss of 168 citizens in Oklahoma City. It reminds me of another tragic assault that goes on against the youth of our country on a day-to-day basis.

In the last 36 months, drug use among our teenagers 8 to 15 years of age has doubled, and we are in the midst of a new epidemic. What does that mean? That means that nearly 2 million—2 million—American youth have been ensnared in the assault by the drug lords of this hemisphere and their lives are potentially ruined, devastated and stunted.

Not only will their lives be impaired and ruined, but a chain of events will follow because as these youngsters are consumed by drugs, they are driven into a life of crime, an effect on our Nation which is immeasurable.

Of the 35,000 prisoners in Georgia this morning, 80 percent of them are there today because of drug-related offenses. The impact of this war, this assault on the youth of our country is having a devastating impact across the land as it drives crime, assault and battery, murder, theft, robbery, burglary.

Mr. President, I spent a few minutes with President Zedillo of Mexico not long ago. He said the drug war was the single greatest threat to his country. I said, ''I agree with you, Mr. President, with one amendment. The drug war is the single greatest threat to this hemisphere of democracies, to all of our nations in this hemisphere of democracies.''

Mr. President, I yield up to 10 minutes to my distinguished colleague, the Senator from Iowa, the chairman of a drug task force and eminent figure in this issue and assault on the youth of our country. I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

PRESIDENT CLINTON'S JUDICIAL NOMINEES SOFT ON CRIME

Mr. GRASSLEY. Mr. President, today we do remember what happened 1 year ago in Oklahoma City, a very horrible crime. People are concerned about crime in America. People expect the Congress of the United States to do something about crime. We have this week taken a giant step by passing the antiterrorism bill that the President says he will sign.

So I rise this morning to talk about crime as the Senator from Georgia indicated. The war on drugs has a lot to do with the whole subject of crime, but I also want to make some reference to the negative effect that this administration has had on the Federal courts.

I think it is fair to say that President Clinton's judicial appointments communicate the President's vision of the kind of America that the President would like to have. I do not share his soft-on-crime vision. I do not think most Americans do. Mr. President, you can say that you are putting all the cops on the streets all you want, but unless you appoint Federal judges who will enforce the law and protect victims over criminals, all the cops in the world will not make any difference.

In regard to the appointments that the President made, I read with amusement in this morning's Washington Post where Vice President GORE attempted to defend President Clinton's record on judicial nominations. I believe that the Vice President's efforts fall far short. For instance, one of his primary arguments is that this administration's nominees have enjoyed more support from the American Bar Association than the last three administrations. Mr. President, this just goes to show how out of touch the Vice President is with the American people and with even the President's own appointees.

President Clinton has a powerful ally in his judicial jihad to protect criminals, and that happens to be the American Bar Association, because somehow the ABA mysteriously and without input from the American people set itself up as the ultimate arbiter of who should or should not be a judge. The ABA happens to share the President's own frightening vision of criminals' rights over victims' rights.

We just passed a very fair and balanced antiterrorism bill in this body. That bill contained habeas corpus reform, badly needed, to permit prisoners just one bite at the apple and to limit that bite in order to stop frivolous and successive postconviction appeals that allowed people to stay on death row for 10 to 15 years. Vice President GORE uses the ABA as a mantle to say that the President's judges are ideal appointees. Yet the American Bar Association strongly opposes these necessary anticrime provisions that were in the antiterrorism bill.

Unfortunately, I believe that the current administration has then done a disservice to the American people by gathering liberal activists from every coffee house and every street corner in America and nominating them to some of the most important and influential Federal courts in America.

Few Americans would dispute and few in this body dispute the fact that

in the arena of criminal justice, the legacy of the Earl Warren Supreme Court of the 1960's and 1970's has been devastating. Violent criminals who have committed heinous, shocking crimes are routinely freed on bogus technicalities first invented during the Earl Warren period. We are still paying that price. These violent individuals go back out on the streets and commit even more crimes and victimizing more people.

Until the President came on to the scene, I thought that we had turned a corner on that sort of Warren Court thinking. I had thought there was a broad consensus that law enforcement should not have their hands tied by highly technical rules. I had thought that there was a broad consensus that serving time in prison for committing crimes should be punishment and not a blissful vacation at taxpayers' expense.

But, Mr. President, I was wrong. President Clinton has sent up a number of law professors and liberal activists to sit on the Federal bench and impose their preconceived, unrealistic ideas on the rest of America. Now, a simple fact of American Government: Bad judges are worse than even bad Presidents, because we can vote bad Presidents out of office, but we are stuck with bad judges for life. We cannot send them back to their coffee houses and street corners. To be honest, the Republican-controlled Senate has been somewhat to blame, as we trusted the President to do the right thing. But now with this record, Mr. President, I think it is time that we start giving judicial nominees the scrutiny that they obviously deserve.

We have been lax, in deference to the President. But that needs to end given his poor performance of nominating judges intent upon protecting criminals over victims' rights. Of course, we in the Senate have a right under the Constitution to comment on the direction the country is taking and how the courts have played a role in this. So the concept of the separation of powers remains untouched and intact and alive and well.

Take a good, hard look at some of the President's more notable judges. In the first circuit Judge Sandra Lynch overturned a life sentence imposed for a brutal murder. This is a pattern that we see over and over again—liberal, soft-on-crime, Clinton judges lending convicted felons a hand.

In the Second Circuit Court of Appeals, Judge Guido Calabresi dissented from an opinion which denied a prisoner the right to receive pornography in his jail cell. This is another theme with Clinton judges, making sure that prisoners have all the amenities that they want. The logic must be that prison should not be too uncomfortable or too difficult.

In the Third Circuit Court of Appeals, Judge H. Lee Sarokin has issued a few zingers. This judge has ruled that prisoners have a constitutional right to prevent prison officials from opening and inspecting mail. This judge has voted to overturn the death sentences of two murderers who brutally ended the lives of two elderly couples.

In the fourth circuit, Judge Blane Michael argued in a dissenting opinion that a criminal who had tried to murder a Federal prosecutor could not be found guilty under Federal statute prohibiting the mailing of a bomb to Federal officials because the bomb was poorly made and unlikely to actually explode. Mr. President, how could this judge have done any more to help that criminal?

In the Fifth Circuit Court of Appeals, District Judge Robert Parker ruled that it was unconstitutional for the police to search for hidden marijuana plants by using an infrared device. Mr. President, what more could drug dealers ask for to help them?

In the Eleventh Circuit Court of Appeals, Judge Rosemary Barkett wrote an opinion granting a hearing for a man who had been convicted of setting his former girlfriend's house on fire and killing her two children.

Lest anyone think that the President has seen the errors of his ways and will start putting more mainstream judges on the Federal bench, let us look at a nonconfirmed nominee to the eleventh circuit. At his recent judiciary confirmation hearing, Mr. Stack was asked what he thought of the applicable law of search and seizure law relative to the now infamous New York case in which Judge Baer initially suppressed evidence of millions of dollars worth of illegal drugs.

Mr. Stack was unable to cite even the most fundamental criminal law precedents. In fact, his only comment that he made was that he would ''applaud the use of all evidence * * * legally obtained in the courtroom'' but would not want to ''throw * * * away the constitutional guarantees that each of us in America is afforded.'' I do not believe this is a response worthy of a Federal circuit court nominee. This is unacceptable from a circuit court nominee who is supposed to have the necessary credentials and qualifications for appointment to the Federal bench.

Next to the Supreme Court, the Federal court of appeals is the most important court in the country. It appears as though Mr. Stack's qualifications for the eleventh circuit post has been based solely on raising $11 million for President Clinton's 1992 Presidential campaign and another $3.4 million for the National Democratic Committee, and not on Mr. Stack's legal capacity, his competence, or his temperament. If this does not a least give the appearance of buying a Federal court seat, I do not know what does.

In fact, Mr. Stack has little, if no experience, in criminal law or practice before the Federal courts. He has no substantive legal writings to speak of.

Further, Mr. Stack was surprisingly ignorant about recent developments in the law. Mr. Stack was comfortable telling the Senators at his confirmation hearing that he would seek guidance from other judges and the Federal Judicial Center if he was not knowledgeable about a particular area of law. So I look to him asking Judge Barkett, that what she can teach him and mold him about Mr. Stack's views of criminal law as a fierce defender of criminals—I think it is clear that the American people find this extremely disturbing.

In conclusion, with Clinton-appointed judges, I think a pattern has emerged. In those rare circumstances when Clinton judges believe that criminals should go to prison, they certainly want to make sure that prison is not too inconvenient. While Clinton judges write on and on about the rights of prisoners, they are silent about the rights of crime victims. That is why it is so important for the Senate to speak out to be the champions of the victims and not of the predators.

Mr. COVERDELL. Mr. President, I thank the Senator from Iowa for his thoughtful remarks. They were very eloquently presented.

I yield up to 10 minutes to the distinguished Senator from Texas.

CRIME IN AMERICA

Mrs. HUTCHISON. Thank you, Mr. President. I thank my colleague from Georgia.

Mr. President, today all Americans will stop and remember the terrible tragedy that occurred 1 year ago today in Oklahoma City. We extend, all of us in the U.S. Congress and all over America, our prayers and our thoughts to those who lost family and friends in that senseless tragedy.

Last week, Congress passed laws to make it harder for criminals to inflict the kind of terror we saw in Oklahoma City and at the New York World Trade Center before that. This antiterrorist law is just one small step toward taking back our cities, our towns, and our communities. Taking them back from dangerous and predator criminals who have made us afraid to walk the streets at night, who have forced us to put bars on our windows, and who have caused us to place metal detectors in our Federal buildings and in some public schools in our country.

Mr. President, one thing the law we just passed does is make it harder for prison inmates to file years and years of appeals that tie up our courts for years, dulling the sword of justice. Often, to many Americans, it seems as if our court system cares more about criminals' rights than the rights of law-abiding citizens. But there is more the American people expect of us. They have had enough of liberal judges who think it is their responsibility to turn dangerous criminals out to society, when society would like to keep them behind bars. They are tired of a revolving-door justice system.

According to a recent study by the Bureau of Justice statistics, an incredible 94 percent of State prisoners are violent criminals or repeat offenders.

I introduced legislation this year that is on its way to the President. It will permit the States to take back control of their prison systems away from Federal judges who are out of touch with the everyday concerns of working, law-abiding families. In my own State, one Federal judge has taken it upon himself to say that prison cells in the State prisons are too small and there is not enough recreation space. What is his remedy? His remedy is to release prisoners early. As a result, in Texas, violent criminals serve 6 months of every year of their sentences.

Mr. President, what we need is judges who understand it is not cruel and unusual punishment for a criminal who has a victim to endure a hot, uncomfortable jail cell without color TV, without his or her favorite foods, without indoor and outdoor recreational facilities.

Mr. President, Americans are ready for a prison system that does not more for prisoners, but less for prisoners and more for law-abiding citizens. No prisoner should be eligible for early release or parole who is not drug free, able to read, and trained in a skill that will enable that person to get a job outside. If you cannot function in society outside, you should remain inside the prison if you have not served your time.

We should say very clearly to those who commit crimes and end up behind bars, we want you to learn to cooperate with society. We want to give you a chance. You are locked up because you did not cooperate with society and you have a victim.

The Speaker of the House said, ''We ought to require prisoners to work 48 hours a week and study 12 hours a week. If we kept them busy 60 hours a week doing something positive, I think they would be different people when they go out into the word. Recidivism would fall and victims would be spared.''

Mr. President, what is the first and foremost responsibility of Government? The first and foremost responsibility is to provide law-abiding citizens the conditions to live freely. But for too long, the Federal Government and Federal judges have interfered with the responsibility of States to meet their first responsibility to their citizens. Texans and Americans all over this country have had enough. They are tired of politicians and judges that blame society for crime. They blame criminals for crime. They would like for Government to do the same thing.

There were 10 million violent crimes in America in 1993. Those were the ones that were reported. Mr. President, 100,000 criminals were sent to prison to serve time for violent crimes. What has happened to a criminal justice system that imprisons 1 person in 100 for every violent crime committed in this country?

Mr. President, we can put barricades in front of the White House, but too many Americans do not have that luxury. Ordinary citizens are faced each day with the threat of violent crime. They have had enough. They want their streets back. They want their communities back.

Mr. President, I want to end with a recollection that I had 1 year ago today. It was from a victim of the Oklahoma tragedy. I will never forget watching television, as so many of us in this country did, and I saw this man, bandaged, his eyes swollen shut, you could not see anything else on his face, and a news reporter put a camera and a microphone in front of this victim. He was a man who had gotten up and gone to work that day. His life had blown up in front of him in just a few short minutes. The reporter said, ''How do you feel?'' This man, through his bandages and his swollen eyes, said, ''I feel like I live in the greatest country on Earth, and I'm going to have to work harder to make it better.''

Mr. President, that victim's spirit will do more to return this country to its bearing than any laws that Congress could pass.

Our Nation's leaders must strive to do what is legally possible to give our citizens a society in which they can go to work and raise their families freely.

But, Mr. President, even more important, our leaders should never forget the victims' spirit from Oklahoma City and all the people who came to help after that tragedy in the great spirit of this country. We must remember that spirit is what will rebuild this country, that is the spirit on which this country's future is based.

We will provide the laws. We have done that. We have done that this week and we must do more. But we must also come back to our bearings. What made this country great was people who love this country no matter what victimization they have had. They are going to work harder to make it better.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Texas. As always, she is an eloquent voice on this subject, and I am most pleased that she could be here this morning.

Mr. President, I yield up to 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for up to 10 minutes.

GUNS AND CRIMINALS

Mr. DEWINE. I thank my friend and colleague from Georgia for putting this time together this morning.

Mr. President, I want to talk this morning about the question of guns and criminals who use guns. We have debates—and often they are very contentious debates—about a lot of issues concerning crime. We talk on this floor about contentious issues, such as the Brady bill and assault weapons. And these are important issues. They are important. I happen to favor these bills. But I think we need to recognize what really is important, and we need to step back a little bit and talk about what really makes a difference when we talk about what we do to deal with the crime problem.

These two issues—the Brady bill and assault weapons—are highly contentious. Second, frankly, they, at best, only have a marginal impact on the problem. Third, they tend to attract somewhat overblown rhetoric, frankly, on both sides of the issue. I think both sides of the Brady bill debate and both sides of the assault weapon debate overemphasize what the importance of this debate is.

I am, frankly, puzzled that we cannot seem to move forward on more effective proposals that everyone ought to favor—proposals that will really make a difference. These proposals that I am talking about may not be very exciting, but they are real, they work, they make a difference, they make a difference out on the street.

Mr. President, we all agree that we, as a society, ought to do more to protect our citizens from armed career criminals. There are predators out there—predators, Mr. President—who are repeat violent criminals who use a gun while committing a crime. We, as a society, have to make a strong, effective response to this threat.

Mr. President, in this area, as in all areas of national concern, we really need to be asking the following questions: One, what works? What really makes a difference? Two, what level of Government should do this particular job?

In the area of gun crimes, we have a pretty good answer. We have an answer that is based on experience and based on history. Now, we all know that there is some controversy over whether general restrictions on gun ownership would help to reduce crime. But there is no controversy over whether taking guns away from felons would reduce crime. Democrat, Republican, liberal, conservative—I think everyone gets that, everyone understands it, and there should not be any controversy about it. If you take guns out of the hands of felons, you are going to reduce crime.

When it comes to felons, Mr. President, unilateral disarmament of the thugs is simply the best policy. Let us disarm the people who hurt people. Although we can quibble about statistics, the facts are that the vast majority of crimes in this country today, the vast majority of violent crimes, the vast majority of crimes that hurt people are committed by a small number of the criminals. One estimate is that 70 percent of all violent crime in this country is committed by less than 6 percent of the criminals, which is a relatively small number of people.

And so what I say that we need to do, Mr. President, is to target the violent career criminals, particularly those who use a gun to commit a felony—target them, convict them, get them off the street, lock them up, and keep them locked up.

Mr. President, we have actually tried this, and we know it works. One of the most successful crime fighting initiatives of recent years was known as Project Triggerlock. This project was wildly successful precisely because it addressed a problem squarely head on, and it placed the resources where they were most needed.

Let me talk for a moment and share with you the story about Project Triggerlock. The U.S. Justice Department began Project Triggerlock in May 1991. The program targeted for prosecution in Federal court armed, violent, repeat offenders. Under Project Triggerlock, U.S. attorneys throughout the country turned to their local, State prosecutors and said this: ''If you catch a felon, and you catch that felon with a gun, and if you want us to, the U.S. attorneys, we, the Federal prosecutors, will take over the prosecution for you. We will prosecute this individual under Federal law—Federal law that many, many times, in regard to violent repeat offenders who use a gun in the commission of a felony, is tougher than State law. We will prosecute this individual. We will convict this individual, and we will hit this person with a stiff Federal mandatory sentence. And then we will lock him up in a Federal prison at no cost to the State or local community. Basically, we will deep-six this guy, get him out of society. We will take the cost of prosecution and then we will pay to house him for 10, 15, 20 years while he is out of society.''

That is the type of assistance to local communities that makes a difference. That is what Project Triggerlock did. Triggerlock was an assault on the very worst criminals in America. Mr. President, it worked.

Listen to these figures. This program took 15,000—15,000—criminals off the streets in an 18-month period of time. Triggerlock caused a dramatic increase in Federal firearms prosecutions. In the first 12 months of Triggerlock, the program initiated firearms prosecutions against 6,454 defendants. It worked.

Now, incredibly, Mr. President—incredibly—the Clinton Justice Department has chosen to deemphasize Project Triggerlock. They tell us they still have it; they just do not talk about it. Apparently, they do not even keep the statistics on it. They do not make it a priority.

Mr. President, Project Triggerlock was the most effective Federal program in recent history for targeting and removing armed career criminals. But the Clinton administration Justice Department, today, acts like Triggerlock simply does not exist. While the Clinton Justice Department says that Triggerlock remains important, the facts, the statistics do not bear this out. They, apparently, no longer keep records on these prosecutions—and, I guess, for very good reason.

If you look at the records kept in Federal courts—go to the Federal courts to get your statistics, here is what you learn: Since the advent of the Clinton administration we have seen a substantial decrease in the prosecution for weapons and firearms offenses.

That is a shocking fact.

We also see a substantial decrease in actual convictions for these firearm related offenses in Federal court.

Let us look at the numbers. In 1992, there were 4,501 prosecutions of gun criminal charges for these crimes. In 1993, the number of prosecutions dropped slightly to 4,348. But in 1994, the number plunged all the way down to 3,695. We should have been seeing an increase. Instead, we started going the wrong way. That is a 19-percent drop in weapons and firearms prosecutions in the Federal courts during the Clinton administration—a 19-percent drop.

Mr. President, who in this country can believe that this is justified? Who in this country believes that the threat of gun criminals to the society is less than it was 2 years ago? Clearly, it is not.

Mr. President, the number of total convictions for firearm-related prosecutions in Federal court has dropped as well. Again, let me go back to 1992. In 1992, 3,837 of these defendants were convicted. In 1993, there was a drop, a drop to 3,814. But in 1994, we see a more severe drop—down to 3,345. Again, instead of going up in prosecutions, which is what you would have expected, we see the trend lines going down. Mr. President, that is going in exactly the wrong direction.

Last year, I introduced a crime bill that would have restored Project Triggerlock. It would have required a U.S. attorney in every jurisdiction in this country to make a monthly report to the Attorney General in Washington on the number of arrests, the prosecutions and convictions that they had achieved in the previous month on gun-related defenses. The Attorney General under my bill should then report semi-annually to the Congress on the work of these prosecutors. Then we would know the information would be available.

It is like anything else. When you start counting, when you start publicizing the results, you start holding people accountable, and people then respond.

Let me say that there are a lot of U.S. prosecutors who are doing a good job in this area who on their own are emphasizing the prosecution of people with guns. But it should not just be left up to every U.S. attorney in the country to decide one way or the other. This should be a national policy. It should be a national policy that is driven by the Attorney General and driven by the President of the United States. Quite frankly, nothing short of that, in my opinion, is acceptable.

The truth is that, like all prosecutors, U.S. attorneys have limited resources. So like all prosecutors, U.S. attorneys have to exercise discretion about whom to prosecute. We know that. We all recognize that Congress can and should not dictate to prosecutors whom they should prosecute. But it is clear that we as a Congress, that we as a Senate, should go on record with the following proposition. There is nothing more important in fighting crime than getting armed career criminals off the streets.

Mr. President, I think the Project Triggerlock is a very important way to keep the focus on the prosecution of gun crimes. Getting gun criminals off the streets is a major national priority. I believe that we should behave accordingly.

This is no time to turn our backs on a proven, promising mainstream anticrime initiative; an anticrime initiative that is not controversial, an anticrime initiative that would not tie up 5 minutes of debate on the Senate floor in regard to whether or not we should do it. Everyone understands that we need to do this. What we need is the will from the executive branch to really reinstitute Project Triggerlock and make it work.

Mr. President, families who are living in crime-threatened communities need to know that we are going to do what it takes to get guns off their streets. We are going to go after the armed career criminals. We are going to prosecute them, we are going to convict them, we are going to lock them up, and we are going to keep them locked up.

Mr. President, in conclusion, this is why we have a Government in the first place—to protect the innocent, to keep ordinary citizens safe from violent predatory criminals.

I think Government needs to do a much better job at this very fundamental task, and it is inherently the fundamental task of the Government. That is why targeting the armed career criminal is such a major component of our national policy.

The Clinton administration, I believe, should reverse its opposition to Project Triggerlock, and should do so immediately.

I thank my colleague from Georgia for the time. I thank the Chair.

I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Ohio.

I now yield up to 5 minutes to the senior Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

PRISON CONSTRUCTION AND CRIME IN TEXAS

Mr. GRAMM. Mr. President, I want to thank our colleague from Georgia

for leading this effort. We are always looking for good news in our war on violent crime and the threat that it poses to our families. This morning I want to share some good news. This good news is based on hard facts presented in a major study done by the National Center for Policy Analysis, which is located in my State. I think that when you listen to the numbers, they speak as loudly and as clearly as a clap of thunder.

Five years ago, Texans finally had enough of violent crime, so we launched the largest prison building program in the history of the United States of America. Over a 4-year period, we expanded the size of the Texas prison system from a 49,000 criminal capacity to a 150,000 criminal capacity.

In terms of our population, Texas started out having a per capita violent criminal incarceration rate that was roughly equal to the national average. Four years later, we have the highest criminal incarceration rate of any State in the Union. I believe that this is a direct result of building new prisons, putting people in jail, and beginning to approach what we call ''truth in sentencing,'' so that when somebody is sentenced to prison for 10 years, they actually, honest to God, serve 10 years in prison.

We have seen the following things happen in Texas in terms of expected punishment for committing major crimes. Over the 6-year period between 1988 and 1994, the expected punishment in Texas for murder rose by 360 percent. For rape, the expected punishment rose by 266 percent; for larceny, 167 percent; for aggravated assault, the expected punishment rose by 360 percent. For burglary, the expected punishment rose by 299 percent; for robbery, 220 percent; and for motor vehicle theft, 222 percent.

In other words, we built prisons, we got tough, we sent people to prisons, and we extended the amount of time criminals actually spend in prison. What happened? Well, what happened is that the overall crime rate in Texas has fallen by 30-percent since 1988. Let me repeat that. We increased the number of prison beds. We more than doubled the expected punishment for crimes ranging from murder to car theft, we increased the number of people in prison, and the crime rate fell by 30 percent.

Let me put that in more meaningful terms: As compared to 5 years ago when we started building prisons and putting violent criminals in prison in Texas—as compared to 1991—the 30-percent lower crime rate we have today means that in this year alone, 1,140 people in Texas who, at the crime rate of 5 years ago would have been murdered in my State, will not be murdered. It means that in 1996, 450,000 less serious crimes will be committed than would have been committed had we not tripled the capacity of our prisons.

The lesson is very clear. We have a small number of violent predator criminals who commit a huge percentage of our violent crimes. When you are willing to put them in jail and keep them there, the crime rate falls.

The time has come for us to get serious at the Federal level. We have three major statutes that criminalize prison labor. We are one of the few countries in the world which cannot make people in prison work to produce something that can be sold in order to help pay for the cost of incarceration. Three depression-years laws make it a crime to require prisoners work, make it a crime to sell what they produce, and make it a crime to transport what is produced. In other words, we can require taxpayers to work in order to pay for building and maintaining prisons, but we cannot make prisoners work in order to do the same. We should repeal those three statutes. We should turn our Federal prisons into industrial parks. We should cut the cost of prison construction by stopping the building of prisons like Holiday Inns. We need to put people in jail for violent crimes. We need to have sentences of 10 years in prison without parole for possessing a firearm during the commission of a violent crime or drug felony, 20 years for discharging it, and the death penalty for killing one of our neighbors.

If we do those things, we can end this wave of violence. We are allowing our fellow citizens to be brutalized by violent criminals because we will not do something about it. In Texas, we have shown that you can do something about it and I would like us to follow that lead at the Federal level. I commend the National Center for Policy Analysis for conducting this study which was released in January of this year. Every Member of Congress should read this study and I would be happy to supply it to anyone who is interested in doing so.

Mr. President, I thank you for listening.

Let me now yield 10 minutes to the Senator from Michigan [Mr. ABRAHAM].

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.

CONTROL OF PRISONS

Mr. ABRAHAM. Mr. President, I should like to pick up on some of the topics which the Senator from Texas was discussing and particularly focus on one aspect of the Republican agenda on crime, prison reform. I would like today to discuss the proposals we Senate Republicans have developed under the leadership of the majority leader, Senator DOLE, to end frivolous lawsuits brought by prisoners, to remove our prisons from the control of Federal judges, and return control over them to our State and local officials.

Mr. President, let me begin by outlining the problem. In 1995, 65,000 prisoner lawsuits were filed in Federal courts alone. To put that in context, 65,000 lawsuits is more than the total number of Federal prosecutions initiated in 1995. In other words, prisoners incarcerated in various prisons brought more cases in the Federal courts than all Federal prosecutions last year combined.

The vast majority of these lawsuits are nonmeritorious. The National Association of Attorneys General estimated that 95 percent of them are dismissed without the inmate receiving anything.

Let me just list a few examples.

First, an inmate claimed $1 million in damages for civil rights violations because his ice cream had melted. The judge ruled that the right to eat ice cream was clearly not within the contemplation of our Nation's forefathers.

Second, an inmate alleged that being forced to listen to his unit manager's country and western music constituted cruel and unusual punishment.

Third, an inmate sued because when his dinner tray arrived, the piece of cake on it was ''hacked up.''

Fourth, an inmate sued because he was served chunky instead of smooth peanut butter.

Fifth, two prisoners sued to force taxpayers to pay for sex change surgery while they were in prison.

On and on the list goes, Mr. President, with more and more ridiculous lawsuits brought by inmates in penitentiaries. A prisoner who sued demanding LA Gear or Reebok ''Pumps'' instead of Converse tennis shoes.

These kinds of lawsuits are an enormous drain on the resources of our States and localities, resources that would be better spent incarcerating more dangerous offenders instead of being consumed in court battles without merit.

Thirty-three States have estimated that they spend at least $54.5 million annually combined on these lawsuits. The National Association of Attorneys General has extrapolated that number to conclude that the annual costs for all of these States are approximately $81 million a year to battle cases of the sort that I have just described.

In addition to the problems created by the lawsuits the courts have dismissed, we have what is, if anything, a more serious problem—lawsuits the courts have not dismissed that have resulted in turning over the running of our prisons to the courts.

In many jurisdictions, including my own State of Michigan, judicial orders entered under Federal law have effectively turned control of the prison system away from elected officials accountable to the taxpayers and over to the courts. The courts, in turn, raise the costs of running prisons far beyond what is necessary and undermine the very legitimacy and deterrent effect of prison sentences. Judicial orders entered under Federal law have even resulted in the release of dangerous criminals from prison. Thus, right now, our existing Federal laws are actually wasting the taxpayers' money and creating risk to public safety.

Let me explain a little bit about how this works. Under a series of judicial decrees resulting from Justice Department lawsuits against the Michigan Department of Corrections back in the 1960's, the Federal courts now monitor our State prisons to determine: first, how warm the food is; second, how bright the lights are; third, whether there are electrical outlets in each cell; fourth, whether windows are inspected and up to code; fifth, whether a prisoner's hair is cut only by licensed barbers; and sixth, whether air and water temperatures in the prison are comfortable.

Complying with these court orders, litigating over what they mean, and producing the reports necessary to keep the courts happy has cost the Michigan taxpayers hundreds of millions of dollars since 1984.

This would be bad enough if a court had ever found that Michigan's prison system was at some point in violation of the Constitution or if the conditions there had been declared inhumane, but that is not the case. To the contrary, nearly all of Michigan's facilities are fully accredited by the American Corrections Association.

We have what may be the most extensive training program in the Nation for corrections officers. Our rate of prison violence is among the lowest of any State. And we have spent an average of $4,000 a year per prisoner for health care, including nearly $1,700 for mental health services.

Rather, the judicial intervention is the result of a consent decree that Michigan entered into in 1982, 13 years ago, that was supposed to end a lawsuit filed at the same time. Instead, the decree has been a source of continuous litigation and intervention by the court into the minutia of prison operations.

The Michigan story is a bad one, Mr. President, but let me tell you a story that causes me even more concern, and that is on the public safety side, the example that is going on even today in the city of Philadelphia. There a Federal judge has been overseeing what has become a program of wholesale releases of up to 600 criminal defendants per week to keep the prison population down to what the judge considers an appropriate level.

As a result, a large number of defendants have been released back onto the streets. Following their release, thousands of these defendants have been rearrested for new crimes every year including 79 murders, 90 rapes, 959 robberies, 2,215 drug dealing charges, 701 burglaries, 2,748 thefts, and 1,113 assaults.

Under this order, there are no individualized bail hearings based on a defendant's criminal history before deciding whether to release the defendant pretrial. Instead, the only consideration is what the defendant is charged with the day of his or her arrest.

No matter what the defendant has done before, even, for example, if he or she was previously convicted of murder, if the charge giving rise to the specific arrest on the specific date is a nonviolent crime, the defendant may not be held pretrial.

Moreover, the so-called nonviolent crimes include stalking, carjacking, robbery with a baseball bat, burglary, drug dealing, vehicular homicide, manslaughter, terroristic threats, and gun charges. Those are charged as nonviolent and consequently those arrested are not detained.

Failure to appear rates, needless to say, for crimes covered by the cap are up around 70 percent as opposed to noncovered crimes for aggravated assault where the rate is just 3 percent.

The Philadelphia fugitive rate for defendants charged with drug dealing is 76 percent, three times the national average. Over 100 persons in Philadelphia have been killed by criminals set free under this prison cap.

Mr. President, I think this is all wrong. People deserve to keep their tax dollars or to have them spent on progress they approve. They deserve better than to have their money spent on keeping prisoners and prisons in conditions a particular Federal judge feels are desirable but not required by the Constitution or any law.

They certainly do not need it spent on endless litigation over these matters.

Meanwhile, criminals, while they must be accorded their constitutional rights, deserve to be punished. Obviously, they should not be tortured or treated cruelly. At the same time, they also should not have all the rights and privileges the rest of us enjoy. Rather, their lives should, on the whole, be describable by the old concept known as ''hard time.'' By interfering with the fulfillment of this punitive function, the courts are effectively seriously undermining the entire criminal justice system.

Our distinguished majority leader, Senator DOLE, working with Senator HATCH, Senator KYL, Senator HUTCHISON, and myself, has developed legislation to address these problems. Our proposals will return sanity and State control to our prison systems.

To begin with, we would institute several measures to reduce frivolous inmate litigation. We would require judicial screening, before docketing, of any civil complaint filed by a prisoner seeking relief from the Government.

This provision would allow a Federal judge to immediately dismiss a complaint if either the complaint does not state a claim upon which relief may be granted, or the defendant is immune from suit. In addition, State prisoners would have to exhaust all administrative remedies before filing a lawsuit in Federal court.

We would also create disincentives for prisoners to file frivolous suits. Under current law, there is no cost to prisoners for filing an infinite number of such suits. First, we would require inmates who file lawsuits to pay the full amount of their court fees and other costs. We also would make that requirement enforceable by allowing their trust accounts to be garnished to pay these fees. If a prisoner is unable to fully pay court fees and other costs at the time of filing a lawsuit, 20 percent of the funds in his trust account would be garnished for this purpose. Every month thereafter 20 percent of the income credited to the prisoner's account would be garnished until the full amount is paid off.

We would also allow Federal courts to revoke any good-time credits accumulated by a prisoner who files a frivolous suit. Finally, we would prohibit prisoners who have filed three frivolous or obviously nonmeritorious in forma pauperis civil actions from filing any more unless they are in imminent danger of severe bodily harm, and we would cap and limit the attorney's fees that can be obtained from the defendant in such suits.

As to the powers of judges to overrule our legislatures, we would forbid courts from entering orders for prospective relief—such as regulating food temperatures—unless the order is necessary to correct violations of individual plaintiffs' Federal rights. We also would require that the relief be narrowly drawn and be the least intrusive means of protecting the Federal rights. We would direct courts to give substantial weight to any adverse impact on public safety or the operation of the criminal justice system caused by the relief. And we would impose important new requirements before a court can enter an order that requires the release of prisoners, including that such orders may be entered in the Federal system only by a three-judge court.

We also would provide that any party can seek to have a court decree ended after 2 years, and that the court will order it ended unless there is still a constitutional violation that needs to be corrected. As a result, no longer will prison administration be turned over to Federal judges for the indefinite future for the slightest reason. No longer will public safety be jeopardized by capricious judicial prison caps. And no longer will the taxpayers be socked for enormous, unnecessary bills to pay for all this.

Instead, the States will be able to run prisons as they see fit unless there is a constitutional violation. If there is, a narrowly tailored order to correct the violation may be entered.

This is a balanced set of proposals, allowing the courts to step in where they are needed, but puts an end to unnecessary judicial intervention and micromanagement of our prison system we see too often.

These proposals were included as part of the Commerce, State, Justice appropriation bill. Unfortunately, President Clinton vetoed this legislation. As a result, we continue to have more frivolous prisoner lawsuits and we continue to have some courts running prisons.

President Clinton said his veto was based on other parts of the legislation.

Accordingly, we will shortly be sending him a new version of an omnibus appropriations bill that again includes these proposals. This is one measure we can take that will plainly advance our fight against crime. We hope this time, President Clinton will help.

Mr. President, at this time, I yield the floor to the Senator from Tennessee for up to 10 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

TOUGH RHETORIC ABOUT CRIME

Mr. THOMPSON. Mr. President, we are listening to a lot of rhetoric about crime and being tough on crime. But no matter how many cops we put on the street, no matter how many laws we pass, unless we have strong law enforcement efforts at the very top of the Justice Department and the very top of the executive branch of this Government, we are going to be letting out the back door whatever we are putting in our prison system in the front door.

In fact, the policies of an administration are much more important than any other component of our law enforcement system. An administration's decisions as to who to prosecute, how effectively to prosecute, what cases to appeal, and what positions to take, affect thousands and thousands of cases. They affect not only the specific cases that are brought but maybe even can determine what cases are brought in the future.

In other words, an administration needs to be strong in its law enforcement position. It needs to advocate the legitimate interests of the Federal Government, when Federal criminal statutes are involved. The President has engaged in strong law enforcement rhetoric. The President states that he is for the death penalty. But it is my unfortunate duty to report that the rhetoric does not match the action.

I am specifically referring to the actions of the Solicitor General. The Solicitor General in this country is the Government's lawyer. The Solicitor General advocates the Government's position before the Supreme Court of the United States. The Solicitor General is appointed by the President of the United States and confirmed by the U.S. Senate. Time after time, the position taken by the Solicitor General has been inconsistent with the rhetoric coming out of the White House.

The Solicitor General, in case after case, has refused to appeal cases in which lower courts have overruled the Government, have overturned the defendant's convictions or have made it practically impossible that the defendant be prosecuted. Instead of appealing that case, even when in some decisions there are strong dissents saying, ''No, no, no, the Government is right here and the defendant is wrong,'' in case after case, the Solicitor General has taken the position of the defendant, essentially, and not appealed that case to at least give a higher court an opportunity to hold for the Government.

When the Solicitor General makes a decision whether to appeal an adverse ruling, he is not in the position of a judge making an objective determination. The Solicitor General is supposed to be an advocate for us, an advocate for the people trying to enforce the law in this country. If there is a legitimate position to take in an important case—and these dissents, if nothing else, would indicate there would be in those cases—the Solicitor General is supposed to take that position and give the courts an opportunity to hold with the Government and against the defendant in those cases.

We will have more to say about that later on next week with regard to some specific cases. But there is one particular point that is very relevant. It has to do with the recent bombing case that we all know about. It has to do with the so-called Cheely decision. There, a panel of the court, not even the full court, ruled that death penalties provided in two Federal statutes, essentially statutes prohibiting sending bombs through the mails, were unconstitutional. That is the ninth circuit decision; by a lower court. It was a panel of the full court that made that decision. The Solicitor General chose not to appeal to let the full court of the ninth circuit even have an opportunity to overrule the panel.

So, as far as it stands out there, the death penalties contained in the mail bomb statutes are unconstitutional as far as that circuit is concerned. Obviously, that has some great relevance to what we are seeing now. We are all pleased that a suspect has been taken into custody with regard to the Unabomber case. Whether or not this man is charged with any of the three killings, or the terrorizing of many other people through a series of mail bombs, a jury hearing the Unabomber case should have the option of imposing the death penalty. But I fear that if he is charged in the Unabomber killings, the Justice Department may well have made it so that it is impossible for the jury or the court out there to impose the death penalty.

The problem is that the most recent Unabomber killing occurred in California. California is in the ninth circuit. The ninth circuit decided the case I referred to a minute ago in 1994, called Cheely versus United States. Cheely had been convicted of murder. He and his coconspirators arranged for a mail bomb to be sent to the post office box of a key witness against them in a trial. The witness' father was killed when he opened the packaged bomb.

Obviously, the facts are similar to the Unabomber case. Cheely was charged with interstate transport of an explosive that resulted in death and for death resulting from mailing nonmailable items. The Bush administration, which was in office at the time, asked for the death penalty. The ninth circuit panel ruled, however, that the death penalty statutes for mail bombings were unconstitutional.

The ninth circuit held that the class of persons eligible for the death penalty under these statutes was unconstitutionally broad. Now mind you, a Carter-appointed judge on that same panel dissented from that decision.

Given that President Clinton publicly supports the death penalty, it would seem reasonable to expect that the Justice Department would automatically have sought to appeal that sort of decision which struck down a Federal statute allowing the death penalty, with a strong dissent included. But the Solicitor General did not file a petition for rehearing by the full court.

In an extraordinary move, however, the full ninth circuit ordered the parties to address whether an en banc hearing should be granted. Surprisingly, the Justice Department argued that the ninth circuit should not grant review in this case.

Mr. President, the Justice Department wound up arguing against itself. Not so surprisingly, the ninth circuit then failed to grant rehearing. The Clinton Justice Department did not file an appeal with the Supreme Court.

The Judiciary Committee held an oversight hearing this past November. At that hearing, I asked Solicitor General Days why he did not file a rehearing petition in Cheely and in another case in another circuit. He indicated that although there was an argument to be raised on the other side, he did not think that the cases raised large enough concerns to justify asking for a rehearing. Of course, the constitutionality of many death sentences obtained on the basis of pre-1976 Federal statutes was at issue. He also indicated that he had discussed the case with Attorney General Reno.

The effects of this are obvious, because if this man is charged under the Federal mail bomb statutes for the Unabomber killing in California, he cannot be given the death penalty. Had the Sacramento Federal building, and not the Oklahoma City Federal building, been bombed, the death penalty might not be available to be sought against Timothy McVeigh in Federal court.

According to the Saturday Washington Post, Justice Department officials say they are ''pondering whether to bring charges against Koczynski,'' in the Unabomber case, ''initially in Sacramento, the site of the last bombing in April 1995, or in New Jersey,'' where a 1994 killing occurred. I have a good idea why they are pondering. Any other time, the prosecutor might bring charges where the most recent case occurred, and where the evidence is fresher. And, in fact, the Unabomber sent more bombs to California than anywhere else.

But the case maybe cannot be brought there if the administration desires to seek the death penalty. I do not know if the New Jersey case is as strong as the California case. The third

circuit, which includes New Jersey, has not issued opinions striking down the Federal death penalty statutes.

I am deeply disturbed, however, that this administration has precluded one death penalty prosecution of the Unabomber, and now we will all have to live with the consequences.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, the statement by the Senator from Tennessee underscores the majority leader's emphasis on a tough judiciary, and just points, once again, to what we have been hearing from Majority Leader DOLE with regard to how important the judiciary system is and the judges we appoint to maintain civil order in our country.

Mr. President, I now yield up to 10 minutes to the Senator from Washington.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Washington.

ANTITERRORISM BILL

Mr. GORTON. Mr. President, the day before yesterday, this Senate completed a vitally important task. A part of that task, an antiterrorism bill, was brought into being as a consequence of the tragedy 1 year ago in Oklahoma City. Another part of that accomplishment is the result of the work of many Members on this side of the aisle, some on the other side of the aisle, extending over a period of well over a decade to reform and make more just our criminal justice system.

There are those among our constituents, a number of whom have called my office, who oppose the antiterrorism bill simply because they did not wish any enhancement of the criminal justice powers of Federal agencies.

I believe their apprehension to be misdirected. I am convinced that to face the possibility of terrorism, both foreign and domestic, a possibility which has clearly been a terrible reality both in Oklahoma City and in New York City, that some enhancement of Federal law enforcement was, in fact, necessary, and, as a consequence, I supported the antiterrorism elements in that bill.

At the same time, Mr. President, I am convinced that the reform in what is known technically as habeas corpus will be of a more profound and a more positive nature in connection with our criminal justice system.

It is a simple truism that justice delayed is justice denied, and with respect to myriad State court convictions for serious criminal violations, including the most serious criminal violations resulting in capital punishment sentences, we have a spectacle in the United States of America unseen anyplace else in the world.

Here, of course, with our unique and uniquely valuable system of dual sovereignty, most criminal justice prosecutions take place in our State courts. Many here claim a sophistication by asserting some kind of second-rate justice at the State court system. Those observations do not accord with my own practice as attorney general of the State of Washington, but, nevertheless, they are reflected in the nature of our habeas corpus proceedings.

A normal prosecution proceeds through a trial before a jury in a State court, a conviction, a sentence, at least one and usually two appeals to an intermediate appellate court and then to a State supreme court in connection with any serious violation. In most other jurisdictions in the world, including other countries as free as the United States, that would be the end of the process. But in the United States, any convicted person can say, ''No, I don't accept that proceeding,'' no matter how great the protections of the rights of the individual accused. ''I'm going to start all over again in the Federal court system and assert some violation of my constitutional rights.''

We have the paradox California situation—I believe, again, Mr. President, unprecedented in the world—in which a single trial level Federal judge can say that everything that the State trial judge did, everything that the State appellate system, everything that the State supreme court did was wrong and violated the constitutional rights of this individual convicted person. And you have to start all over again or perhaps even dismiss the case entirely.

Even if that single Federal court judge says, no, everything was done in accordance with the Constitution, the accused person can then take that to a circuit court of appeals as a matter of right and try it in the Supreme Court of the United States to succeed in his or her claims.

But, Mr. President, at the present time it does not stop there. You can go all the way up on one claim of a constitutional violation and then say, oh, by the way, I forgot, I have another claim of a different constitutional violation. And we will start all over again in another Federal district court and repeat the process.

Mr. President, when I spoke here during the debate of one of the motions to recommit of the distinguished Senator from Delaware, [Mr. BIDEN], I talked about Charles Campbell.

Charles Campbell, a released rapist, almost immediately after his release from a prison in Washington State went to the home of the person he raped and in cold blood murdered her, her child, and a neighbor who happened to be there at the time. This took place in 1982, Mr. President.

By 1984 Mr. Campbell had been tried, convicted, sentenced to death, and had exhausted his appeals in the Washington court system. But, Mr. President, that was only the beginning. From 1984 to 1994 Charles Campbell cheated justice by endless appeals to the Federal courts of the United States. After literally millions of dollars had been used, his judgment was finally confirmed and he was executed in mid 1994.

Mr. President, that was a misuse of the system. It taught disrespect of the law to the people of the State of Washington who had to follow this through the newspapers and over television for more than 10 years. And, Mr. President, fundamental respect for and obedience to our law requires a public opinion that believes that the legal system does work. This kind of misuse undercuts that trust and confidence. We simply cannot have it, Mr. President.

Finally, as a result of this bill, and the intense decade-long work of the Senator from Utah, Senator HATCH, we do have reforms in this habeas corpus set of procedures. It is not an abolition, not a way to deny true constitutional violations, but a way that requires them to be asserted within a reasonable time and concluded within a reasonable time. And as a consequence, Mr. President, I believe that we have made a huge step forward in a campaign which has lasted for an extended period of time.

Just going back in the RECORD to 1980—I find a bill 2 years after that by Senator East. It did not get out of committee. The next year there was one by Senator THURMOND that actually passed the Senate, but was killed in the House. The next year a similar bill by Senator DOLE, without action. During that same year 1984, a proposition from Congressman Foley from my own State, before he was Speaker, that said we could not do anything in Congress about habeas corpus until there had been a study and recommendations from the U.S. Supreme Court, which study has been completed.

Then again in 1992 another proposal by Senator THURMOND. In the various crime bills in the 4 years leading up to 1994, tiny little proposals, minor changes—major changes constantly defeated on the floor of the Senate or the floor of the House. And finally now in this Congress with appropriate leadership a reform in the system that really works. Mr. President, this is a real triumph.

The PRESIDING OFFICER. All the time under the previous order has expired at this point.

Mr. COVERDELL. Mr. President, I would like to ask unanimous consent that our time be extended by 6 minutes. I have spoken to the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent, upon the conclusion of that time period, that Senator DODD be recognized for the purposes of making some remarks, and following that I be recognized for 20 minutes in morning business.

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

THE ADMINISTRATION AND DRUG USE BY OUR YOUTH

Mr. COVERDELL. Mr. President, I think what we have seen here this morning is that there are consequences from policies. This administration has presided over significant policy changes and decisions for which there have been extraordinary consequences.

Mr. President, the interdiction effort of drugs on our borders, particularly between the United States and Mexico, have been reduced by 40 percent. The drug czar's office under this administration until recently was reduced by 80 percent. This administration has presided over the appointment of such judicial figures as Judge Baer who is now a celebrity in his own right for an initial resistance to a drug case brought in a celebrated case in New York.

These isolated incidences though need to be looked at and reviewed again in the context of what has resulted from these decisions. And what has resulted is an alarming epidemic of drug use among American citizens, particularly our youth.

Drug use among teenagers has doubled in the last 36 months. From 1980 to 1992 drug use among teenagers was cut in half. It has now skyrocketed and as I said has virtually doubled. Mr. President, drug use among our youth age 12 to 17 since 1992 has gone from 2.4 to 3.8 million. That is all illicit drugs. It has gone from 1.6 to 2.9 million for marijuana. Drug use among 12th graders in that same 36 months is up 60 percent. For 10th graders it is up 95 percent. For eighth graders, Mr. President—eighth graders—it is up 110 percent.

The emergency room episodes of cocaine-related incidents has gone from 110,000 to 147,000. The role of substance abuse and violence has skyrocketed and is involved in 70 percent-plus of rapes in the United States. Every statistic, Mr. President, we can review is up and we are now presiding over a new drug epidemic in the United States. These statistics are a direct result of major changes in policy.

That is where we need to revert to truth-in-sentencing, new interdiction and being tougher on the judges who sit on the bench to fulfill and honor the laws of our land.

This is a war, Mr. President, that we cannot afford to lose, because to do so is to condemn millions, millions of Americans to devastation.

ADM. JAMES S. RUSSELL: IN MEMORIAM

Mr. GORTON. Mr. President, Jim Russell died last Sunday. My life and the lives of a legion of others are diminished as a result. Today the flags in Lakewood, WA, will fly at half mast for retired Adm. James Russell, who died last Sunday at the age of 93.

It is difficult to compress a panegyric for Admiral Russell into a few short minutes, but he was, after all, a modest man who sought out neither praise nor glory. He eschewed grandiloquence, and so shall I. A simple retelling of his remarkable life will suffice.

James Russell was born in Tacoma, WA. When he was 15 he tried to join the Navy, but was turned away. Undeterred, he joined the Merchant Marine. His official naval career began in 1922 when he entered the U.S. Naval Academy. He went to the California Institute of Technology to get a master's degree in aeronautical engineering. In 1939 he worked on the design of the Essex-class aircraft carriers. Seventeen of the Essex-class were built, and none were sunk during World War II. He not only helped design, but also helped serve on the carriers, where he was, as the Tacoma News Tribune points out, the first naval aviator to take off from and land on the first six U.S. aircraft carriers.

In the war Admiral Russell served as a lieutenant commander of a patrol squadron in the Aleutians. He defended Dutch Harbor, and America against a Japanese fighter attack. Later on he fought in the Pacific aircraft carrier offensive that destroyed the Japanese fleet and helped assure the American victory. For his service, he received the Distinguished Service Medal twice, the Distinguished Flying Cross, and the Air Medal for Heroism.

Admiral Russell was part of the military occupation in Japan. In 1946 he became commander of the carrier USS *Bairoko*. In 1958 he rose to the No. 2 position in the Navy: vice chief of naval operations. From 1962 to 1965 he was commander in chief of NATO forces in Southern Europe. In 1965 he retired.

During the post-war period Admiral Russell helped develop the F–8 Crusader, the first of the Navy's aircrafts to fly 1,000 miles-per-hour, for which he was awarded the Collier Trophy in 1956. The Seattle Post-Intelligencer quotes Admiral Russell saying in 1994 that, ''one of his proudest accomplishments was to have personally flown Navy aircraft 'ranging from biplanes to supersonic fighters.' ''

After his retirement Admiral Russell was active in his community, and always kept abreast of military matters. He garnered respect and admiration from the people around him. Dignified, courteous, gracious, kind—these are some of the words his friends and associates use to describe him. His son Donald remembers that his father not only did not harbor ill feelings against his former Japanese enemies, but sought to reconcile with some of them. When two Japanese veterans—former pilots who had attacked the base where Admiral Russell served in the war—came to the Tacoma area to attend ceremonies marking the anniversary of the surrender, he insisted they stay with him, at his home. One can hardly think of a more apt example than this to describe the word ''gracious.'' It was for this and for a lifetime of unimpeachable behavior that Admiral Russell was known as Gentleman Jim.

It was in his retirement that I met Jim Russell, who provided constant encouragement to me in my career—and constant wise counsel about the security of our beloved country as well. And so I will greatly miss him.

Admiral Russell is survived by his wife, Geraldine; a son and daughter-in-law, Donald and Katherine Russell; a daughter-in-law, Anitha Russell; a stepson, Fred Rahn; a stepdaughter, Barbara Frayn; five grandchildren and three great-grandchildren. His first wife, Dorothy, died in 1965. My condolences and prayers go to his family.

A few years ago Admiral Russell expressed his concern over all the honors he had received. ''It worries me a little,'' he said. ''I wonder if I've lived up to it.'' Clearly, the admiral was not a boaster. He did what he enjoyed; he served his country and his community, and he did not expect to be fussed over.

The Tacoma News Tribune mentions the mayor of Lakewood, Bill Harrison's, recollection of Admiral Russell:

> Harrison said he still remembers seeing Russell during a military parade, dressed in white, a sword gleaming at his side.
>
> He was absolutely resplendent, Harrison said. That was the first time I ever saw him, and that's the way I will always think of him.

What a treasure was James Sargent Russell. His life, of simple dignity, bravery, service, enthusiasm, and kindness, reminds us of the better angels of our nature.

One of Admiral Russell's nicknames was the ancient mariner. And so, in Coleridge's words, let us bid ''Farewell, farewell, the Mariner is gone.'' Farewell, Admiral.

Mr. President, I ask unanimous consent that a front page article dated April 16, 1996, and a lead editorial dated April 17, 1996, from the Tacoma News Tribune be printed in the RECORD.

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

[From the Tacoma News Tribune, Apr. 16, 1996]

ADMIRAL RUSSELL, A LEADER AND A GENTLEMAN, DEAD AT 93

(By Hector Castro)

He was known as Gentleman Jim, the Gray Eagle, the Father of Naval Aviation and in recent years, the Ancient Mariner.

On Sunday, the man with so many titles, retired Adm. James S. Russell, died at his Lakewood home. He was 93.

''I have very fond memories of him,'' Lakewood Mayor Bill Harrison said. ''He became one of my heroes.''

Russell was a Tacoma native who went away to sea as a boy and returned 43 years later as a four-star admiral.

In a career that began before World War II, Russell was a Navy flier, a designer of aircraft carriers, commander of nuclear tests in the Marshall Islands and commander-in-chief of NATO forces in Southern Europe.

Russell's elder son, Donald Russell of Lakewood, said his father always loved the sea and the water.

''The last day he was alive he looked at me and said, 'I want to go to the lake. I want to go to the lake.' '' Donald Russell said.

James Russell was 15 when he graduated from Stadium High School and immediately

tried to join the Navy. He was turned away because of his youth. But he wasn't put off so easily and joined the Merchant Marine.

His naval career began in 1922 when he enrolled in the U.S. Naval Academy. He later attended the California Institute of Technology to study aeronautical engineering.

That education, plus his experience as a Navy flier, proved invaluable when he helped design the Essex-class aircraft carriers shortly before the start of World War II. The ships proved to be among the toughest in the Navy. None of the 17 built by the start of the war was sunk.

Donald Russell remembers the start of the war, and his father's last words to him before shipping out.

''If I don't come back from the war, take care of your mother,'' Donald Russell said he was told. He was 11 years old at the time.

James Russell was a lieutenant commander of a patrol squadron during the war. At one time, he patrolled in the Alaskan Theater and helped fend off an attack by Japanese fighters on the American base at Dutch Harbor.

His actions during wartime earned him the Distinguished Flying Cross and the Air Medal for Heroism.

After the war, Russell rose to become second in command of the U.S. Navy. When he retired in 1965, he was commander-in-chief of NATO forces in Southern Europe, based in Italy.

That's when Harrison first met him. At the time, Harrison was a captain in the Army, though he retired as a three-star general.

The admiral, he said, immediately impressed him with his dignity and courtly manners.

Harrison saw the admiral's diplomacy at work, whether he was negotiating a peace between Greece and Turkey for smoothing over the boorish remarks of a fellow officer at a social function.

''I never saw him when he wasn't spic and span, doing and saying the right things,'' Harrison said.

Russell married Dorothy Johnson in 1929 and they had two sons, Donald and Kenneth. Dorothy Russell died in 1965, and Russell married Geraldine Rahn in 1966. She survives him.

Friends and family members said Russell enjoyed talking about his experiences, but never boasted.

''He was a very modest man,'' said Paul Hunter, staff commodore of the Tacoma Yacht Club. ''He was not arrogant.''

After his retirement, Russell became very involved in local community and military affairs. His popularity was such that last year civic leaders from around Tacoma pushed for a maritime park for him.

The park was not named for Russell, but he has received plenty of other honors.

They include France's highest award, the Legion of Honor, Greece's Order of King George I, Italy's Order of the Republic, Peru's Great Cross of Naval Merit, and Brazil's Order of Naval Merit. The USO Center at SeaTac bears his name.

His grandson, Malcolm Russell, also of Lakewood, said his grandfather's home could pass for a military museum. Walls and bookcases are filled with medals, awards and signed photos from such people as John F. Kennedy and King Paul of Greece.

Donald Russell said his father never hated his wartime enemies, and had invited Japanese military men and veterans of the war to his Lakewood home.

''He reconciled with his enemies,'' the younger Russell said. ''It was extraordinarily important to him.''

Harrison said he still remembers seeing Russell during a military parade, dressed in white, a sword gleaming at his side.

''He was absolutely resplendent,'' Harrison said. ''That was the first time I ever saw him, and that's the way I will always think of him.''

[From the Tacoma News Tribune, Apr. 17, 1996]

ADMIRAL RUSSELL GAVE A LIFETIME OF SERVICE

Retired four-star admiral James S. Russell, the most distinguished military leader to come out of Tacoma, was reflecting a few years ago on all the honors that had come his way.

''It worries me a little, I wonder if I've lived up to it,'' he said with typical modesty.

The admiral shouldn't have worried. The honors were well-deserved, and he wore them with surpassing grace.

Russell died peacefully at his Lakewood home Sunday at the age of 93. He is remembered not only for his 43 years of service to the nation as a much-decorated naval aviator and commanding officer, but for the years he spent here since his retirement in 1965 as a goodwill ambassador to military newcomers and visitors.

Russell graduated from Stadium High School at 15, and too young to enlist in the Navy, joined the Merchant Marine. A U.S. Naval Academy graduate, he earned a master's degree in aeronautical engineering at Cal Tech and went on to help design the tough Essex-class aircraft carriers in 1939. He was the first naval aviator to take off from and land on the first six U.S. aircraft carriers.

After distinguished service as a patrol squadron lieutenant commander in the Aleutians during World War II, Russell took command of his first carrier, the USS Bairoko, in 1946. He became vice chief of naval operations, the Navy's No. 2 position, in 1958, and was commander in chief of NATO forces in Southern Europe from 1962 until he retired in 1965. He was recalled to active duty twice.

One of the more revealing stories about Russell was about the graciousness he showed to one-time enemies. Two former Japanese pilots who had attacked the Aleutians base where Russell served in World War II were in the area last summer to participate in ceremonies marking the anniversary of the surrender. Russell, who insisted they stay in his home, said he felt no animosity toward those who once tried their hardest to kill him.

It's entirely professional. There were in their service, I was in mine, and we understand one another.''

That attitude was typical of ''Gentleman Jim'' Russell, the consummate professional who earned the respect of everyone from swabbies to heads of state.

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senator from Connecticut is recognized.

IN MEMORY OF OKLAHOMA CITY

Mr. DODD. Thank you, Mr. President. Mr. President, first of all, I have two sets of remarks I want to make on separate subjects. The first has to do with the subject matter that has been discussed already this morning over a period, I gather, of some 75 minutes. That is, of course, the 1-year anniversary of the tragedy of the bombing in Oklahoma City.

Allow me on behalf of my constituents, if I may, of the State of Connecticut, to express condolences to our colleagues here from Oklahoma as well as to the people of Oklahoma, particularly the people of Oklahoma City, and of course the family, friends, and associates of the 168 people who lost their lives a year ago today in one of the worst, if not the worst, incidence of terrorism in the history of the United States.

In addition, among that 168 people who lost their lives a year ago, Mr. President, 19 were innocent children, mostly in a day care center in that building in Oklahoma City. Of the rest, the vast majority, as we know, were Federal employees, Government workers. It was not, apparently, just any building in Oklahoma City that was the target of this deranged individual or individuals, as only time will tell through the various proceedings, it was a Government building and it was Government employees. They did not belong to any particular cause, these employees. They were not opposed because they were a particular group of people engaged in some political activity. They were people that worked at HUD and the Social Security Administration, the Veterans' Administration, people that were going to work that morning, doing what they do across this country in a building like it, serving our constituents.

Because they were Government employees in a Government building, and because people had decided they needed to send a message about their Government, they were targets, including 19 innocent children. This was a crime committed, obviously, by a violent, aberrant American or persons. We all know that. I think it is important to remember that the vast majority of Americans were repulsed by what happened, that they wholly reject violence as a method of political change in this country, and that all of us share in the grief that the families and friends of the people of Oklahoma and Oklahoma City are remembering today.

Mr. President, on behalf of my constituents and certainly myself and our office here, we wish to express our deepest condolences to those people and to rededicate ourselves here to take all necessary steps to try and stop those who would engage in that kind of activity as a way of expressing their political views.

I point out that I supported the antiterrorism bill yesterday, as most of us did in this body. I felt it could have been a stronger bill, Mr. President. I must say that. I deeply regret we did not take additional actions such as identified by our colleague from Delaware, Senator BIDEN, and others to strengthen the hand of law enforcement in areas where, for instance, people on the Internet now, instruct people how to make bombs with the intent that they be used—we do not prohibit that. We cannot allow our military forces at the direction of the Attorney General to step in where terrorism may be used. I think that is regrettable. I think we ought to be able to use our

forces where appropriate. That is not in the bill. It was struck from the bill.

Hopefully, we can come back and make some of these changes and strengthen the legislation. Nonetheless, it is a positive step forward. I am glad Congress has gone on record in pressing its opposition to terrorism, and hope we can do more in the coming weeks and months before this Congress is adjourned.

The major point today is that all of us here, not to use this as a forum somehow to express our oppositions to various policies, but at least for a moment or two, to express our deep, deep sense of sorrow to the people of Oklahoma City, and particularly to the families and friends of the 168 individuals who lost their lives.

TRIBUTE TO RON BROWN

Mr. DODD. Mr. President, just 2 weeks ago, this Nation was saddened and anguished by the tragic death of Commerce Secretary Ron Brown and 32 other Government and business leaders in Croatia. As a very close personal friend of Ron Brown's, I regret deeply, Mr. President, that I could not be here to console his widow, Alma, and his children, Michael and Tracy, in their time of grief. My thoughts and prayers today, as they have been over the last several weeks, are with the Brown family and with the families of all of the victims of this terrible tragedy.

Although we have many pressing issues before us in this body, Mr. President, I want to take just a few minutes, if I can, to reflect and remember the extraordinary and distinguished legacy of Ron Brown. As I stand before the Senate here today, many thoughts come to mind, Mr. President, about Ron Brown—civil rights activists, Democratic Party chairman, Commerce Secretary, bridge builder, and certainly a very close and dear personal friend.

Beyond my great sense of personal loss, Mr. President, when I think of Ron Brown I also think of public service and public servant. From all the time that I knew Ron Brown, from when he was a trusted aide to our colleague, Senator KENNEDY, to when he was chairman of the Democratic Party and his last role as Secretary of Commerce, Ron Brown epitomized, in my view, what public service is all about. Ron Brown labored tirelessly for what he believed in. It seemed that no obstacle could prevent him from attaining his goals.

At a time when respect for public service and public servants has diminished, when pundits too often cynically demean those who serve America, Ron Brown presented the quiet dignity that comes with superb public servants. Ron believed that one person committed to a task with conviction in their heart could make a difference, and he certainly did. His labors were the embodiment of George Bernard Shaw's timeless words, ''You see things, and you say why; but I dream things that never were and say why not.''

On April 3, when Secretary Brown's plane crashed in Croatia, Mr. President, I was in Ireland to fulfill a longstanding commitment. Together with Ambassador Jean Kennedy Smith and Prime Minister Bruton, we attended and participated in a wonderful memorial service dedicate to Ron Brown's memory at St. Patrick's Cathedral.

I say as an aside, Mr. President, we anticipated 30 or 40 people would show up, maybe from the Embassy staff, to come by and pay their respects. In fact, over 500 people unannounced showed up at the cathedral that morning to participate in that service. I want to thank Dean Stewart, who was in charge of St. Patrick's Cathedral, along with other members of the clergy from throughout Ireland who participated that morning, as well as some very distinguished people who sang and purchased musical pieces in memory of Ron Brown, not to mention the 500 people that came from across the island of Ireland to express their sense of loss.

For all of us there that morning, Mr. President, our remembrances of Ron Brown hearken back to the visit he had made to Ireland 2 years ago, to which I was a member, a trip not unlike the one to Croatia, involving some 15 chief executive officers of businesses in this country, as well as others from the House and the Senate that were part of an economic mission to Northern Ireland.

A visit, Ambassador Smith reminded us, which led to President Clinton to dub Ron Brown an ''honorary Irishman,'' and it was mentioned again by her that morning at St. Patrick's Cathedral. Ron Brown, Mr. President, had come to Ireland with an ambitious but challenging goal: To make the dream of peace during the formal cease-fire in Northern Ireland a reality. Certainly, it was no easy task, as we know, even today.

For anyone who knew Ron Brown, there were not too many challenges that phased him. While I had known him for many years, it was on that trip to Ireland that I had the opportunity to see firsthand the enthusiasm and optimism that infused him.

Remarkably, Mr. President, I watched an African-American man, born and raised in Harlem, with no ethnic or religious connection to Ireland, come to that island and champion the peace process and the opportunities for economic development. While on that trip, Ron Brown became the first U.S. Cabinet secretary to make an official visit to Belfast.

The success of Ron's trip to Ireland prompted President Clinton to send Ron on many other missions across the globe, including the one to the former Yugoslavia, a mission which ended so tragically on that rainy and windswept mountain in Croatia. This final mission, Mr. President, was one of many that Ron tirelessly made to the world's troubled spots promoting American companies and American workers.

As Secretary of Commerce, on one level, Ron's job, of course, was to promote U.S. business interests, which he did very, very well. But for all who knew Ron Brown well, his interests ran much deeper than that. Ron Brown used the legitimate goal of increasing U.S. economic opportunities as a means of advancing other interests as well.

Ron traveled to many places that are beginning the difficult journey toward reconciliation and economic revitalization because, as a public man, a public servant, he believed that the dynamism of private enterprise could help bring lasting peace to regions that, for years, had known only violence and hatred.

But Ron Brown understood that these trips were about more than just helping business or free enterprise. As Ambassador Smith noted in her eulogy in Dublin a week ago, these trips were truly—to use her words—''peace and democracy missions, too, missions of hope and idealism.''

Mr. President, these trips were about promoting the importance of work, and the notion that through economic opportunity, the process of political reconciliation could begin and, more importantly, could last.

In the absence of it, of course, no permanent healing will ever occur.

From Ron Brown's earliest days, at his first job carrying records and reading public service announcements at WLIB-AM, a radio station in Harlem, he understood the critical importance of work. He understood that there is nothing as rewarding, for individuals or a nation, as waking up in the morning, going to work, and coming home in the evening knowing that you have earned a true wage.

That is why Ron Brown went to Ireland and so many other places, and it is why he was in the Balkans on that tragic evening.

Ron Brown knew that after the peace treaties were signed and when the guns were finally laid to rest, the possibility of a truly lasting peace anyplace around the globe would depend on every person having the same opportunity to realize today the dream of a far better tomorrow for themselves and their families.

When Ron Brown journeyed to the Balkans, he took with him the unquenchable spirit of American optimism. He sought to use American enterprise and the American can-do spirit to promote economic development as a means of bringing a truly lasting peace. And he sought to heal the lingering anguish of ethnic violence with a promise of a brighter future for all the peoples of the region.

Ron Brown leaves this world, Mr. President, with an amazing legacy. He was the first African-American to head a major political party in our country. He was the first African-American to be Secretary of Commerce. He rebuilt the Democratic Party, and he certainly

helped to elect President Clinton in 1992. He used the Commerce Department to create millions of jobs for American workers and spread the doctrine of economic development and cooperation across the globe.

Ron Brown enjoyed a full and all-too-brief life on this Earth and must be a source of inspiration to all of us, in not just Government, but in our Nation as a whole.

In Ireland, Prime Minister Bruton described Ron Brown in these words, which I think bear repeating—as a role model ''for those looking for inspiration as to how a life can be led for the good of others.''

Ron Brown understood, Mr. President, that our lives must have purpose and direction. And we can best remember him by emulating the way he lived his life. Mr. President, I think the poet Ralph Waldo Emerson said it well when he said, ''I expect to pass through this world but once. Any good therefore that I can do or any kindness that I can show for any fellow creature, let me do it now. Let me not defer or neglect it, for I shall not pass this way again.''

Ron Brown's life symbolized these solemn words. While he passed through our world, Mr. President, he did good. He showed kindness and, regrettably—so regrettably—he will not pass this way again.

Mr. President, I ask unanimous consent that the comments of our Ambassador, Jean Kennedy Smith, along with an article that appeared in the Irish Times, which captured, as well, the remarks of Prime Minister Bruton, who spoke at the memorial service in Dublin, be printed in the RECORD.

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

REMARKS BY AMBASSADOR JEAN KENNEDY SMITH AT MEMORIAL SERVICE FOR SECRETARY OF COMMERCE RON BROWN AND HIS DELEGATION

Taoiseach, distinguished guests, and friends of Ron Brown, of Chuck Meissner, and of the other brave pioneers for peace whose lives of courage and service were so tragically cut short last week.

This has, indeed, been a sad week for America, a sad week for Ireland. We have lost friends. But today, we gather not only to mourn them, but to celebrate their lives.

Last night, I spoke with Alma Brown and told her of the memorial service we were holding today. She was so pleased that Ron was to be remembered in this way by the people of Ireland, because this country was so important to him.

I first met Ron Brown in the fall of 1979. My brother, Ted, was about to begin a campaign for President of the United States in 1980. My husband, Steve, was to manage the campaign, as he had done for my brothers, Jack and Bob. Steve needed a deputy campaign manager for civil rights, and everyone said that Ron Brown was the perfect choice—a new young leader in the civil rights movement, and a worthy heir of the Reverend Martin Luther King.

We all loved Ron from the start. He served far above and beyond the call of duty in the campaign. He gave his heart to Ted and Steve and all of us in the Kennedy family gave our hearts to Ron.

In the years since, I saw him often, most recently during his frequent visits to Ireland. He once told me that he felt a special welcome and sense of humanity in Ireland, even for those who are not of Irish descent. In fact, he enjoyed his time here so much that President Clinton dubbed him an honorary Irishman.

Ron Brown was an original. I never met a person who had greater ability to go into a hornet's nest, come out with the honey, and leave all the bees laughing. No tunnel was too long or too dark for Ron to not see the light at the end. His warmth, and wit, and optimism were inspiring and infectious.

He was a charismatic leader, who was good at every job he ever took on—as a leader in the civil rights movement, chairperson of the Democratic National Committee, and as the Secretary of Commerce. A son of Harlem, he was a remarkable American success story, and he dedicated his life to helping others achieve their potential and their dreams, as he had one.

He brought that same spirit of optimism to Ireland. As he said during President Clinton's historic visit, he found a ''belief in self that wasn't here before.''

''We are on a path,'' he said, ''and we won't be denied.''

Ron was deeply committed to public service, and he instilled that commitment in all who worked for him; in Chuck Meissner, his tireless assistant secretary of commerce, who felt very strongly the pulse for peace in Northern Ireland, and in all those from the Department of Commerce who are here today. The mission Ron Brown led to South Africa and China, to the Middle East and Northern Ireland, and, finally, to Bosnia, were more than trade missions. They were peace and democracy missions too, missions to hope and idealism. The understood that peace, prosperity, and economic justice go hand in hand.

As President Clinton has said, ''Ron Brown walked and ran and flew through life. He was a magnificent life force.''

In the wake of that force, in the wake of that remarkable life, all of us who knew Ron Brown, Chuck Meissner, and the members of the delegation, all of us who were fortunate to be touched by their warmth and share their vision must try to carry on their work for peace, for that is their legacy to us.

[From the Irish Times, Apr. 11, 1996]

BRUTON SAYS BROWN WAS A MODEL FOR ALL WHO WANT TO HELP OTHERS

(By Mark Brennock)

Politicians, business people and many others who knew Ron Brown gathered in Dublin's St. Patrick's Cathedral yesterday to honour an African-American whom President Clinton had dubbed ''an honorary Irishman.''

As one who had not known him the Dean of St. Patrick's the Very Rev Maurice Stewart, said he had two images of the late U.S. Commerce Secretary in his mind.

The first was of a man who had been praised after his death by Northern Irish politicians of both persuasions.

The second was that when Mr. Brown was seen on television, ''he always seemed to be smiling. He was a happy man, and these days, that is as good an image as any politician could project.''

Mr. Brown was among 33 people killed last week when their plane crashed in Crostia. He had been on a trade and aid mission to Bosnia and Crotia, He was also a key figure in the US Administration's involvement in the Northern Ireland peace process.

The US Ambassador, Ms. Jean Kennedy Smith, told the congregation Mr. Brown had once said he felt ''a special welcome and sense of humanity in Ireland, even for those who are not of Irish descent. In fact, he enjoyed his time here so much that President Clinton dubbed him an honorary Irishman.

''The missions Ron Brown led to South Africa and China, to the Middle East and Northern Ireland and, finally, to Bosnia, were more than trade missions. They were peace and democracy missions too, missions of hope and idealism. He understood that peace, prosperity and justice go hand in hand.''

She said everyone who had known Mr. Brown, Mr. Chuck Meissner and the others who died in the plane crash ''must try to carry on their work for peace, for that is their legacy to us.''

US Senator Chris Dodd, who had travelled to Ireland with Mr. Brown in recent years, said on one level he had been in Ireland to promote US business, but ''Ron Brown understood that these trips were about far more than promoting business.

''He knew that after the peace treaties were signed and the guns laid to rest, the possibility of a truly lasting peace depended on each person having the same opportunity to realize their dreams of a better tomorrow. He sought to heal the lingering anguish and ethnic violence with the promise of brighter opportunities.

''On the trip to Ireland, I . . . watched an African-American born and raised in Harlem with no ties here come and champion the cause of peace and economic opportunity in Ireland.''

The Taoiscach, Mr. Bruton hailed Mr. Brown as a role model ''for those looking for inspiration as to how a life can be led for the good of others''. He said Mr. Brown had brought his experience of a Harlem upbringing and his involvement in the civil rights movement to work towards the creation of ''a structure of peace'' in the world.

''As head of the Irish Government I want to thank him for the enormous interest he took in peace and prosperity on this small island.''

Ireland was not a major strategic interest for the US, he said. The US could have confined itself to expressing pious words and the occasional reference to Ireland at election time. But the Clinton Administration had gone far beyond that.

The President, who is in the west of Ireland, was represented at the service by her aide-decamp, Col. Bernard Howard. The attendance included the Lord Mayor of Dublin, Mr. Seán D. Dublin Bay Loftus.

The Government was also represented by the Minister for Finance, Mr. Quinn; the Minister for Enterprise and Employment, Mr. Bruton; and the Minister for Tourism and Trade, Mr. Kenny. Ministers of State present included Mr. Pat Rabbitte and Mr. Austin Currie.

Other politicians attending included the ?ianna ??il deputy leader, Ms. Mary O'Rourke, the Progressive Democrats leader, Ms. Mary Harney, and the former PD leader, Mr. Desmond O'Malley Sinn Féin was represented by Monaghan, counsellor Mr. * * *

There was a large representation from the US Embassy. Among the other diplomatic missions represented were those of Norway, Thailand, Nigeria and Israel.

A large contingent from the Department of Foreign Affairs included the second secretary, Mr. Seán O hUiginn, the Chief of Protocol, Mr. John O. Burke and Mr. Brendan Scannell of the Anglo-Irish division. The Taoiscach's programme manager. Mr. Seán Donlon, and representatives of a number of other government Departments were also present.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I appreciate the unanimous consent to speak for 20 minutes. Let me associate myself strongly with both sets of remarks by the Senator from Connecticut—first, as to our good friend and great loss with regard to Secretary Brown, who we will miss greatly. And, second, nothing could be more on our minds today than the horror of last year in Oklahoma City. The moments of silence here and across the country were a fitting reminder of that tragedy, but also a time to feel some real gratitude toward the employees of our Federal Government, who do not always get treated with all the respect and admiration they deserve. They had a very rough year in 1995. I, for one, want to thank them for their services and the sacrifices of their families throughout the country, particularly with regard to those who suffered the loss in Oklahoma City.

I thank the Senator from Connecticut for his remarks.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, it looks like a very ambitious agenda has been announced for this session until Memorial Day. I welcome much of that agenda, and I especially welcome the type of bill that we handled yesterday, the so-called Kennedy-Kassebaum bill.

That bill regarding health care reform is a classic example of a good, bipartisan effort that I think the American people are really starved for. They want nothing more than to see those of us who have the honor of being elected to Congress work together on a bipartisan basis. What we did yesterday, I think, exemplifies better than anything else the possibilities of working together in this body for the good of the country.

In fact, Mr. President, in his State of the Union, President Clinton endorsed the Kennedy-Kassebaum bill, saying that that bipartisan effort was acceptable to him and that he would be happy to sign it. That gave the bill a lot of impetus, and I think it was a very important moment in the State of the Union.

Mr. President, the President of the United States also endorsed another bipartisan bill that night on another topic that might be even more fundamental—I would say it is even more fundamental than the important bill we passed yesterday. The topic that the President was referring to was campaign finance reform, and the bill that he endorsed was S. 1219, the first bipartisan bill on campaign reform in this body in about 10 years.

Mr. President, I rise today—and, in a moment, a couple of my colleagues will also rise—to say that the time is now to take up the issue of campaign finance reform on this floor, to take up this bipartisan effort, which, among other things, will, for the first time, voluntarily limit the overall amount a candidate can spend when they run for the U.S. Senate or the House of Representatives, and for the first time say that you have to get a majority of your campaign contributions from individuals, from the people from your own home State, not from PAC's or from out-of-staters, but the majority from your own home State, if you want to get the benefits of the bill; and finally, for the very first time, some reasonable incentives to get people to not spend unlimited amounts of their own cash, so that people get the sickening feeling that elections can be bought.

All of this is highlighted in S. 1219. In doing so, of course, Mr. President, I especially pay tribute to the first sponsor of the bill, who has been central to the bipartisan reform efforts in the 104th Congress, the senior Senator from Arizona, Senator MCCAIN.

He has been steadfast and very dedicated to this effort. He, I, and the others who are involved in this speak almost every day about how we can move this effort from concept to fruition during the 104th Congress.

In addition, my friend who will speak next, the Senator from Minnesota, Senator WELLSTONE, and others have worked together almost on a daily basis to try to move this issue forward. We have been very encouraged that this is not just happening in this House. It is also happening in the other body where another very similar bipartisan effort is being led by a group of people from very disparate ideological viewpoints. It is one of the rare examples, I am told, where there is not just a bipartisan effort going on but a bicameral effort, a real groundswell of effort in both Houses working together for campaign finance reform.

Of course, I would be remiss not to mention the tremendous public support we are finding for S. 1219—groups like Common Cause, Public Citizens, and over 50 newspapers have endorsed the bill.

So I think it is fair to say we are in an excellent position to say that the time is now to have this issue debated on the floor.

So I, Senator MCCAIN, and the others who have been working together on this bill have come to the conclusion that it may well be necessary now to seek to amend another piece of legislation, perhaps the next appropriate vehicle, to move this issue forward given the inability of having this bill scheduled on its own at this point. I would prefer—I think we would all prefer—that the bill be scheduled separately. But, given the passage of time, I think we have very little alternative.

Mr. President, given the unprecedented level of bipartisan support, there is clearly a consensus among the public that S. 1219 ought to come to the floor. Admittedly, there was a time some years ago when I did not think we could, having passed campaign finance reform in both Houses in the 103d Congress and see it die. I was skeptical. When I read the Contract With America and saw the other party win the election, campaign finance reform was not even mentioned in the Contract With America.

Nonetheless, Mr. President, thanks to Members of both parties, this is truly a bipartisan effort. The reform agenda has arisen in the 104th Congress. It has been proven by not just introducing but by succeeding on the issues of the gift ban and lobby reform for which my friend from Minnesota was very central to in both causes. These are among the very few real accomplishments thus far in the 104th Congress. So the reform agenda has done surprisingly well.

Mr. President, I want to especially remind the body today that it is important to do this. This is not just one Senator's view of what ought to be on the floor or just the view of the cosponsors of the bill. This is the will of the body of the U.S. Senate as voted on a bipartisan basis in July of 1995.

Mr. President, last July I authored a bipartisan resolution that simply said we should consider campaign finance reform during the 104th Congress. I thought it would be a quick voice vote and be put away. But it was tested. It was sorely tested. The majority leader left his office and came to the floor personally and urged that that resolution which I had proposed be defeated, and called for a rollcall. As we know, the majority leader rarely fails to prevail. The majority leader almost never fails to get a majority. But on this one he did, and 13 Republicans joined with many Democrats so that on a 57 to 41 vote the Senate voted not to table our resolution that campaign finance reform should be considered during the 104th Congress. Subsequently, in the next vote, campaign finance reform was added to a list of items that we all voted to say ought to be considered in the 104th Congress.

Mr. President, I think that was a very key sign of the desire of this body to do campaign finance reform. I certainly believed that every Senator, when they said they wanted the issue considered, meant that they wanted it considered in a timely manner so that campaign finance reform could become law. In other words, I did not consider this to be something that Senators would want to do so late that it would not wind its way through this difficult process, and so that it would not get to the President who has said he is ready to sign the bill.

Mr. President, since that time, many other items that were on that list that we all voted for have been passed or dealt with. Welfare reform has been dealt with, the Defense Department authorization, Bosnia arms embargo, job training, and legislative branch appropriations have all been considered on the floor of the Senate—but not campaign finance reform.

Here we are in mid-April in the second year of the 104th Congress with no debate on campaign finance reform, no consideration, and thus far no votes on the issue.

So this is obviously somewhat troubling, and it becomes much more troubling when we have a spate of news articles this week announcing what the agenda will be during this floor period ending with Memorial Day. In fact, we have begun the first of several days now that are going to be devoted not to campaign finance reform but just to the issue of term limits. Admittedly, many Americans want that debate on term limits. But where is the mention in the agreement about when campaign finance reform will come up?

Some might say the bill need hearings. It has had extensive hearings in front of the Senate Rules Committee—helpful, meaningful hearings. But that opportunity has now been given, and the time has come to move forward.

So, Mr. President, before I yield to my other colleagues, let me say that I remain very optimistic about this bill. We have preferred to go the route of a separate bill, and maybe that can still happen. But we have no choice at this point but to move forward and try to amend another piece of legislation.

Some are saying that there is already not enough time to pass this bill in this Congress. But do know what that is? That is wishful thinking on the part of those who want this bill to go away. That is what you say when you hope you will try to slow the momentum of those pushing this issue. You tell everyone there is not enough time and we cannot do it until they move on to other things. But supporters of this bill all across the country know that we have bipartisan momentum and that we will come to the floor in the near future. And once that act begins, the public support and feeling about this issue will keep the issue moving in this Congress.

Mr. President, on this one, the public knows because of the bipartisan support that they will reject excuses that there was not enough time. They know that 6 months remain, at least, before we adjourn, and they will certainly tell anyone who tries to tell them there was not time, they will say that, if there is a will, there is a way.

So, Mr. President, I am very encouraged that we are ready to move.

I now yield 5 minutes of my time to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, first of all, let me just say that I am really proud to have introduced this bill with Senator FEINGOLD, Senator MCCAIN, and Senator THOMPSON. Now we have Senator GRAMM and Senator KASSEBAUM. I think that is a really good, bipartisan working group.

I am also especially proud to be out here with my colleague from Wisconsin from the Midwest. I think both of us see this issue in really the same way. This is all about trust.

There was in the Washington Post not too long ago an article about the Harvard-Kaiser Foundation study—really, the erosion of trust that people have in basic institutions of American life. By the way, right there at the top of the Congress is politics. I think it is because of the money choice and the appearance of corruption and gifts. By the way, I am not arguing that there is individual corruption. I do not believe that. But the point is people want to have a political process that they believe in. They yearn for a political process that they believe in. All too often money is too important in campaigns.

When I first came here almost 6 years ago, I came to the floor of the Senate. I said that the whole question of the way in which money dominates politics has become the ethical issue of our time. I have given many, many speeches on the floor of the Senate about the need for campaign finance reform. I have introduced many amendments and many bills. I thought at the end of the last Congress we were going to pass a bill. But it was filibustered and blocked at the end.

But, Mr. President, let me just say that it just looks awful for the Congress to try to stonewall this issue. I do not think symbolic politics is going to work. On the House side they are talking about some committee or commission and another study. This has an Alice in Wonderland quality to it—appoint another study by another commission followed by the same recommendations, followed by the same inaction, followed by nothing happening.

We know what the problems are. The problems are clear. There is too much money in the political process. It is too important in determining the outcome of elections. It gives the appearance of corruption. We should have a more open political process, and we should make every effort possible to try to get a lot of this big money out of politics.

Mr. President, I do not have time to go into the features. But trying to get some agreed-upon limits makes all the sense in the world. Trying to have some accountability about where the money comes from makes all the sense in the world. Trying to move toward debates and have a political process more accountable to people makes all the sense in the world.

I do not agree with every provision. I think the $250,000 limit on what an individual can spend on his campaign is too high. A lot of us cannot afford that.

I also think there is a variable campaign limit that goes up if your opponent does not agree, and I would like to work on improving that.

We came together as a bipartisan working group because we decided the time is now. The idea of campaign finance reform is an idea, colleagues, Democrats and Republicans alike, whose time has come in America. The idea for campaign finance reform for politics, for campaigns and for elections that people can believe in, this is an idea whose time has come in America.

This is deja vu to me, I say to my colleague from Wisconsin. We tried to do it on gift ban and lobbying disclosure. We kept getting put off and put off and put off. In all due respect to my colleagues, it just looks to me as if some people are not listening. We are not out here for symbolic reactions. We just announced, all of us together, we will bring this to the floor in May as an amendment if we do not get a time certain for an up-or-down vote on this piece of legislation, and we intend for the Senate to go on record in May. It is important that all of us do it. It is important we do it in a bipartisan way.

Let me just say again this is all about trust. We want, Democrats and Republicans alike, people to trust this political process. We want people to trust their Congress. We want people to have trust in their public officials. I am just telling you that this system in which all of us have to operate is fundamentally flawed. It is a core problem. It is badly needing reform. There is enough time that has gone by, and we are not going to let this Congress stonewall it. We are going to make sure that action is taken by this Senate and that action will be taken this May.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FEINGOLD. Mr. President, I appreciate the comments of the Senator from Minnesota. I yield the remainder of my time to the junior Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Chair. I thank my colleague.

I join in the proposition that it is time we address the issue of campaign finance reform in this body. It is too bad that we are having to consider it in what may be considered the midst of a Presidential campaign year. It should not be a partisan matter. Senator JOHN MCCAIN, of course, has been the leader, along with Senator FEINGOLD, on the bill on which I am privileged to be one of the original cosponsors. So we are trying to take a bipartisan look at it.

We have spent entirely too much time in times past as parties trying to figure out what would be to our advantage and our disadvantage, and both parties have done that. Nobody really knows the result of reforms we might make in terms of the success of political parties. I continue to believe that the primary ingredient is the quality of the candidate and the quality of the message regardless of what rules we play under.

I have the simple belief that there is too much money in the system. I know that it is becoming currently in vogue to say there is not enough money in the system; we need to have more. I do not believe that. I have had the opportunity in very short order to run as a challenger. I am now running for reelection after 2 years. Because I had the unexpired term of Vice President GORE, I am now running as an incumbent. I have seen it from both sides. It

takes entirely too much time to raise the millions of dollars it takes to run for political office in this country, time that we ought to be spending on the Nation's business.

People are cynical of the system that we now have. After a brief rise in public opinion, it seems, after the last Congress, we are going right back to where Congress has always been in the view of the American people, and that is basically abysmally very low. People look at the huge amounts of money in the system that both parties raise, that all candidates raise if they have any hope of being successful, and they simply do not think there is no relationship between the huge amounts of money being paid out and the actions that are being taken.

That is one of the reasons why people have less and less faith in their Government. It is heavily weighted toward incumbents. As I have said, I have seen it from both sides now, as the old song goes, and incumbency brings the finances that a challenger cannot bring against a well-entrenched incumbent who has had the opportunity to spend the last several years raising money and putting it back. Someone must have the temerity to go out and challenge him and overcome that big advantage the incumbent has.

That is not a good system. It is not serving us well. We can look at the bottom line and tell it is not serving us well. It is not producing the results. Whether it is the fiscal policy or social policy or anything you want to look at in terms of the indicators as to what direction our country is going, it is not producing the results we want to see produced in this country.

There are a lot of problems with any particular piece of legislation. I am sure there are problems with the piece that we will be supporting. To me, it is a much broader and more basic question than whether you have a $1,000 limit or a $500 limit or $250 or $5,000 or even whether you have PAC's or not. Political action committees were touted as a great reform measure just a few years ago. Now they are out of favor. I do not think it makes any difference. Individuals can contribute around PAC's anyway. PAC's at least are fully disclosed and there are some limitations on them. The same people contributing to the PAC's can contribute individually. So that is all kind of a sideshow as far as I am concerned. I think if we can do something about the overall amounts we will be making real progress.

So I join with my colleague's statement, and I am looking forward to making some progress on this, this year.

Mr. WARNER. Mr. President, we have heard from several of my colleagues about the need to move forward on campaign finance reform. I wholeheartedly agree—but we must not move forward without reviewing, analyzing, and understanding what those reforms entail.

Campaign finance reform is indeed a very important issue and one that has received increasing publicity and discussion among the American people.

The Senate Rules Committee has taken a bipartisan lead in bringing the full spectrum of the issues surrounding campaign finance to this discussion, and there are many important and significant issues surrounding the reform efforts.

In a series of hearings specifically designed to permit the examination and full discussion of this very important subject, the Rules Committee has heard from Senators MCCAIN, FEINGOLD, THOMPSON, WELLSTONE, FEINSTEIN, and BRADLEY, about legislation they have proposed. We have also received testimony from Members of the House—Messrs. SHAYS and MEEHAN, and Mrs. SMITH—on legislation they introduced in the House.

We have benefited in our understanding of the scope of these proposals from several distinguished lawyers and scholars who have raised significant—and serious—concerns about the constitutionality of some of the proposed reforms. This should cause every Senator to tread slowly, and ensure we have the benefit of full analysis. It remains my greatest concern that many of the reform proposals carry a high risk of being held unconstitutional. The American people would be rendered a serious disservice if we were to knowingly pass legislation which would likely prove to be an empty solution to the problems associated with campaign financing. To this end I have asked—just this past Wednesday—that the chairmen of the Republican and Democratic National Committees provide us with their analysis of the constitutionality of several of the major reform proposals, including: The ban on political action committees; the limitations placed on independent expenditures; and the soft money restrictions placed on the political parties.

In addition to appreciating the constitutional problems with some of the reform proposals, we need to understand the effects of these proposals. We should not head into a darkened tunnel without benefit of a light.

To this end, we heard pros and cons for various aspects of campaign finance reform from prestigious policy institutes—CATO Institute, Brookings Institute, and Heritage Foundation, as well as general calls for significant reform by several advocate groups.

Our hearings have permitted organizations and individuals to provide us with their perspective of campaign finance reform proposals that would eliminate political action committees [PAC's] and the bundling of funds.

We have also learned about the costs and management problems associated with the proposals that candidates for election be given reduced-fee postage. There is no free lunch—reduced-fee postage ultimately means increased prices to the American postal user. This does not necessarily mean the idea is bad, but we should understand what the costs are and who we are asking to bear those costs.

The committee has also heard positive, thought-provoking testimony about new ideas for reform that should be considered in any campaign reform evaluation. Ideas such as increasing the spending limits to adjust for inflation and increasing the role of the political parties in supporting campaigns.

In our continuing effort to cover the issues in a complete and timely manner, our next hearing is scheduled for May 8. We will bring representatives of the broadcast industry to address the costs and mechanics of implementing the reduced-fee broadcast proposals. We also hope to have testimony on the broadcast industry's efforts to voluntarily provide free broadcast time for the Presidential election—and assess the applicability of this effort to Senate elections.

In addition, we will hear from a panel of experts on the issue of campaign financing and reform, who will hopefully present meaningful analysis of the proposals as well as provide us with concrete and clearly constitutional suggestions for meaningful reform.

These bipartisan hearings are providing the basis for intelligent and meaningful floor discussion and knowledgeable voting when the vote is taken.

We should not proceed without hearing from those who are directly affected; without understanding the constitutional concerns associated with some of the reform proposals; or without permitting those who have studied this matter to present their understanding of the consequences of the proposed reforms and their suggestions for improvement.

I assure my fellow Senators, the Rules Committee will continue to hold hearings at an aggressive pace to cover the remaining issues.

The PRESIDING OFFICER. The 4 minutes yielded to the Senator from Tennessee have expired. The Senator from California is informed there are 10 minutes remaining.

Mrs. FEINSTEIN. I thank the Chair.

ALIEN SMUGGLING

Mrs. FEINSTEIN. Mr. President, last evening, I had a brief opportunity to indicate to the majority leader my view of the importance of the illegal immigration bill and my hope that it would be restored to the floor very shortly.

Yesterday, the Justice Department made a series of arrests on the west coast which I believe underscore the need for this bill to be rapidly considered by this Senate and hopefully passed.

Arrests were made yesterday in San Francisco of persons involved in large-scale alien smuggling. They capped a 3-year investigation by the Immigration and Naturalization Service and the U.S. attorney in the northern district of California. This operation was

known as Operation Sea Dragon, and the investigation resulted in a sealed four-count indictment of 23 people, all of whom were members of organized and violent gangs.

The investigation revealed that a number of powerful New York-based gangs, including the White Tigers, the Fuk Ching, and the Broom Street Boys, joined forces with two Bay Area gangs to smuggle several hundred aliens from China into the United States in 1993.

According to the U.S. attorney's office, a San Francisco-based Vietnamese gang was responsible for furnishing the fishing vessels to ferry the smuggled aliens from the mother ship to the coast. A Chinese gang operating out of Oakland then arranged for land transportation and drop houses to facilitate the aliens' travel to New York. More than 270 illegal Chinese aliens were detained when the two fishing boats, the *Angel* and the *Pelican*, landed in San Francisco Bay. As many as 15 passengers escaped and an additional 24 smuggled aliens were arrested later at a drop house in New York City.

Initially, five people were arrested in San Francisco in connection with the arrival of the two ships. These five smugglers were sentenced in June 1994 to just—to just 2 years in prison.

What is interesting is that it is clear from the level of sophistication in this particular operation that organized smuggling of illegal aliens is now becoming a huge business. It is estimated at more than $3 billion a year. It is also clear from the relatively light sentences imposed on those involved that the current penalties do not outweigh the fortune illegal alien smugglers win by breaking the law. And that is the point of my remarks today.

Since August 1991, at least 21 boatloads carrying almost 3,000 illegal aliens have been intercepted in U.S. waters by American authorities, 3 near Los Angeles, 4 outside San Diego, and 3 in San Francisco, including the 2 ships involved in this story.

The State Department estimates that today there are at least 50 ships used by smugglers, or being constructed to smuggle immigrants. Smugglers cram hundreds of illegal immigrants into decrepit ships in inhumane, cramped quarters where all kinds of abuse often occurs. They are often subject to near starvation. They arrive to lives as indentured workers, and they struggle to pay off their crossing debts which reportedly are around $25,000 to $30,000.

Currently the maximum penalty for this kind of smuggling is 5 years. The 23 people indicted in these sealed indictments, these sealed arrest indictments, will be charged with 4 counts, including conspiracy, transportation and harboring of illegal aliens. Each count carries a maximum penalty of just 5 years and a fine of $250,000.

If past sentences handed down in similar cases serve as any indication, it is likely that most of these 23 will serve either a year-and-a-half or maybe somewhat more. So, less than 3 years will be served for smuggling nearly 300 people into the country. That is one of the reasons why present Federal sentences do in no way, shape, or form deter this kind of activity.

The illegal immigration bill proposed by the Judiciary Committee, and which was taken down by the majority leader, provides much stronger sentences. Federal prosecutors around my State have asked that the Congress increase the penalties against alien smugglers, and the bill does just that. It doubles the maximum sentence for alien smuggling from the current 5 years to 10 years for the first and second offenses. If a third offense occurs, the maximum penalty is increased to 15 years.

The bill would make alien smuggling a predicate act under RICO. This would mean that longer prison sentences could be handed down if other crimes were committed, and in general that the racketeering statutes could be applied.

It would also allow fines amounting to twice the profit made through smuggling to be imposed. And it would change the penalty so that smugglers can be charged with a violation for each person smuggled. Current law makes it one criminal act, regardless of the number of people smuggled.

It would also make any person who knowingly hires an illegal alien or smuggled alien subject to a fine and up to 5 years in prison. It would increase prison sentences for smugglers who bring an alien into this country who later commits a crime, and it would allow asset forfeiture laws to be applied.

The U.S. attorney says to us, if this legislation had already become law, the sentences to these 23 smugglers arrested yesterday would be increased by 50 to 100 percent. Instead of facing maximum sentences of 20 years, they would be 30 to 40 years, and the end result would be that the actual time served would increase.

I would like to particularly congratulate U.S. Attorney Michael Yamaguchi, the INS, and all the Federal agents involved in this successful investigation.

Now the Congress must do its job to see that the laws in place are adequate to deter this kind of illegal alien smuggling. The bill also provides an opportunity to stop illegal immigration—a huge, huge problem in the State of California, with 2 million people there now illegally—the ability to stop it at the borders.

It would include an additional 700 Border Patrol officers. It would include $12 million for infrastructure, for roads and for fencing. And it would include an additional 300 INS investigators. It would also toughen the so-called employer sanctions promulgated in 1986.

I can only tell you that Proposition 187 passed overwhelmingly in the State of California, the largest State in the Union. If this is not a message that reaches this Congress, I do not know what kinds of actions it takes. So I would simply like to say, please, majority leader, I say this very sincerely, reschedule this bill soon so the many amendments pending can be considered, so this floor can engage in a practical, a fair, and a just debate, and so that those sanctions that can prevent illegal immigration into this country can be revised and based on modern-day needs.

I yield the floor.

TRIBUTE TO THE LATE HONORABLE EDMUND S. MUSKIE

Mr. COVERDELL. Mr. President, I rise today to join my colleagues from both sides of the aisle in paying respect to a giant of contemporary politics. Edmund S. Muskie, loyal son of Maine, selflessly gave his entire life to public service. His passing is a profound loss, but his shining example of integrity and decency is a legacy for all Americans to admire.

A man of deep intellect, wisdom, and passion, Edmund Muskie graduated from Maine's Bates College to serve three terms as State legislator, two terms as Maine's Governor, and 22 years in the U.S. Senate. He answered President Carter's call to resign from the Senate to become Secretary of State.

As David Broder of the Washington Post has pointed out, Muskie was a politician of rare vision, one who addressed two overriding national issues decades before most others—shifting responsibility from the Federal Government to the States, and putting America's fiscal house in order.

While often supporting activist Government, Muskie recognized that many programs needed to be tailored to the varying situations in each of the 50 States. Indeed, he was ahead of his time. He was the first chairman of the Senate Budget Committee and he fought to keep deficits of the 1960's a minute fraction of what they have become today.

Perhaps standing above all his many achievements is his lead in creating a cleaner environment. He worked tirelessly to create bipartisan support for landmark environmental laws which have allowed our children to grow up in a more healthy and beautiful America.

So today, we pay tribute to a man who cared deeply for his native State, his New England, and his country. We grieve with his family, and hope their time of suffering is alleviated in some way by knowing that America is grateful for his service and shares in their loss. Edmund Muskie, a great man, made the United States a greater nation.

RECOGNITION OF NATIONAL TEACHER OF THE YEAR

Mr. GRAMS. Mr. President, I take this opportunity to recognize an outstanding Minnesotan who has been chosen as the national Teacher of the Year.

A resident of Worthington, MN, Mary Beth Blegen has been teaching for 30

years. This year she was selected as the national Teacher of the Year for her significant contributions to education.

Mary Beth Blegen teaches social studies and English at Worthington Senior High School. Her principal, Bruce Blatti, describes her as a teacher who cares for her students inside and outside of the classroom.

Mary Beth Blegen's theater arts background allows her classroom to become an interactive learning center where student participation is an integral part of the process.

Whether it is history, humanities, or English literature, she allows her students to form their own ideas, discuss them and implement them.

This environment allows her to listen to her students and engage in conversation that enables students to bring out the best in themselves.

Teachers like Mary Beth Blegen represent the key to America's future. As our children face the challenges of the 21st century, it is dedicated educators like Mary Beth Blegen who accept the challenge of turning the young people of today into the leaders of tomorrow.

Mr. President, I hope that you and the rest of my Senate colleagues will join me in congratulating one of America's outstanding educators.

CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 21, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 21) proposing a constitutional amendment to limit congressional terms.

The Senate proceeded to consider the joint resolution, with an amendment to strike all after the resolving clause and inserting the part printed in italic;

S.J. RES. 21

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than six times; no person who has been a Senator for more than three years of a term to which some other persons was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than five times.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''SECTION 3. No election or service occurring before ratification of this article shall be taken into account when determining eligibility for election under section 1.''.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3692

(Purpose: To amend the joint resolution to change the length of limits on Congressional terms to 6 years in the House of Representatives and 12 years in the Senate)

Mr. THOMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. ASHCROFT, proposes an amendment numbered 3692.

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

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

''*(two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE —

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

Mr. THOMPSON. 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.

AMENDMENT NO. 3693 TO AMENDMENT NO. 3692

(Purpose: To permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate)

Mr. THOMPSON. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. BROWN, proposes an amendment numbered 3693 to amendment No. 3692.

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

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

The amendment is as follows:

In lieu of the matter proposal to be inserted, insert the following: ''*(two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several State within seven years from the date of its submission to the States by the Congress.''.

AMENDMENT NO. 3694

(Purpose: To provide a perfecting amendment)

Mr. THOMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. ASHCROFT, proposes an amendment numbered 3694.

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

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

The amendment is as follows:

In the language proposed to be inserted, strike all after the first word and insert the following: *of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

Mr. THOMPSON. 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.

AMENDMENT NO. 3695 TO AMENDMENT NO. 3694

(Purpose: To permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate)

Mr. THOMPSON. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. BROWN, proposes an amendment numbered 3695 to amendment No. 3694.

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

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following: ''*of each House concurring therein*), That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE —

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

AMENDMENT NO. 3696

(Purpose: To amend the joint resolution to change the length of limits on Congressional terms to 12 years in the House of Representatives and 12 years in the Senate)

Mr. THOMPSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON] proposes an amendment numbered 3696.

Mr. THOMPSON. 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:

Strike all after the first word and insert the following: ''*of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than six times; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than five times.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''SECTION 3. No election or service occurring before ratification of this article shall be taken into account when determining eligibility for election under section 1.''.

Mr. THOMPSON. 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.

AMENDMENT NO. 3697 TO AMENDMENT NO. 3696

(Purpose: To permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate)

Mr. THOMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. BROWN, proposes an amendment numbered 3697 to amendment No. 3696.

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

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following: ''*of each House concurring therein).* That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE —

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

MOTION TO RECOMMIT

Mr. THOMPSON. I now send a motion to recommit the joint resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON] moves to recommit.

Mr. THOMPSON. Mr. President, I ask unanimous consent that reading be dispensed with.

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

The motion to recommit is as follows:

Motion to recommit the resolution to Committee on the Judiciary with instructions to report the resolution back to the Senate without amendment forthwith.

AMENDMENT NO. 3698

(Purpose: To amend the motion to recommit to change instructions to report back with limits on Congressional terms of 6 years on the House of Representatives and 12 years in the Senate)

Mr. THOMPSON. Mr. President, I send a first-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. ASHCROFT, proposes an amendment numbered 3698.

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

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

The amendment is as follows:

In lieu of the proposed instructions, insert the following: with instructions to report the resolution back to the Senate forthwith with an amendment as follows: ''*(two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term, as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

Mr. THOMPSON. 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.

AMENDMENT NO. 3699 TO AMENDMENT NO. 3698

(Purpose: To amend the motion to recommit to change instructions to report back with language allowing each State to set the terms of members of the House of Representatives and the Senate from that State)

Mr. THOMPSON. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. BROWN, proposes an amendment numbered 3699 to amendment No. 3698.

Mr. THOMPSON. 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:

In lieu of the proposed instructions, insert the following: with instructions to report the resolution back to the Senate forthwith with an amendment as follows: ''*(two-thirds of each House concurring therein),* That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE —

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States

within seven years from the date of its submission to the States by the Congress.''.

Mr. THOMPSON. Mr. President, for the information of all Senators, the Senate is now considering the constitutional amendment regarding congressional term limits. I have just sent to the desk a series of amendments to the joint resolution, the effect of which is to ensure that the debate remains on the issue of congressional term limits. If the amendment process had not been completed, it was the fear of this Senator and many others on this side of the aisle that other Members were intending to offer an amendment which would not be relevant to the pending term limits legislation. With the so-called amendment tree now filled, it is the hope of this Senator that the debate will now stay focused on this very important legislation.

It is also the understanding of this Senator that later today, the majority leader will file a cloture motion on the joint resolution which will allow for a cloture vote on Tuesday, April 23, 1996.

I appreciate the cooperation and support of the majority leader for bringing this issue before the Senate in such a timely manner, and I look forward to a vigorous debate today, Monday and Tuesday.

The PRESIDING OFFICER. Does the Senator from Tennessee yield the floor?

Mr. THOMPSON. I will yield the floor. I note my colleague from Montana seeking recognition, and I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, in 1994, in my campaign for reelection to the U.S. Senate, term limits was part of that campaign, and the Senator from Tennessee has picked up the yoke, so to speak, and is trying to do something about that. I was not convinced, when I first came to the U.S. Senate, that term limits was needed, but I am even more convinced now.

Mr. President, I ask unanimous consent that I may proceed as in morning business for just the next 4 minutes.

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

AMERICANS ARE ON MY MIND

Mr. BURNS. Mr. President, I thank my friend from Tennessee. I thank the Chair. I have Americans on my mind today, and I am concerned that maybe some of us are not listening, especially the President and the Democrats, to America as closely as they should.

One stark realization, when I was home over the Easter break a few days ago, is that I filed and paid my taxes, like 115 million other Americans did. I imagine that most of them were a little bit upset after they paid the taxes. More than two-thirds of all taxpaying Americans, in a recent poll, think taxes are too high. Well, that is not a very revealing thing, because we know two-thirds of them probably pay taxes and they probably think they are too high. A third think they are about right, and just 1 percent think they are too low.

Americans are a little upset—the people I talked to—and they have good reason to be. The Federal Government demands more and more of their hard-earned money and gives less and less in return. But there may be a blessing in that. Maybe we are lucky we are not getting all the Government that we pay for.

But I believe that this President, in the 1993 tax bill or the budget that at that time would put the biggest tax increase on the American people that this country had ever seen, was wrong on taxes and was also wrong on spending—both ends of the spectrum.

I think it is time that we extended the debate on the role of the Federal Government. In fact, if 1994 taught us anything, it is to say, ''Let's reexamine the role of Government at all levels, State, local, and Federal, and identify what we are supposed to be doing.''

Americans are on my mind, because the average hard-working American now works 2 hours 47 minutes of every single day just to pay their taxes. The average family pays 38.2 percent of the total income in taxes paid each year. This means that he or she will work 128 days, until May 7 of this year, just to pay its taxes.

A typical family pays the Federal Government before it pays its mortgage, before it puts food on the table, before it puts clothes on their kids' back. We must change the direction that the curve is headed. We must change and we must stop that curve. Government is hard put because taxes are easy to raise. Most Americans may be astonished to know that their taxes have been raised 16 times in the past 30 years, as opposed to being lowered only once. With only a simple majority required to raise taxes, it is easier to pass a tax hike than it is to cut runaway entitlement programs.

President Clinton proved this in 1993 when he pushed through the Democratic Congress the largest tax increase in Congress, and I alluded to that before. Even today, the Federal debt continues to skyrocket because President Clinton refuses to sign a budget that brings down the yearly deficit. Not only has the President blocked passage of a balanced budget, but he has also taken away the middle class tax cut that Republicans promised in 1994 and that he also promised in 1992.

I want to bring up one figure, too, that a lot of folks do not realize. Here is how important this is. Forty percent of the income taxes you paid this year to the Federal Government just went to service the national debt, to pay the interest on the national debt—40 percent. We cannot allow that to happen if our children and their children are to have the same opportunities that we had in our growing up and the opportunities to live in a great and free country.

Americans are on my mind today because of high taxes on American families, businesses are strangling, the economy is hurting, and they are hurting our children's future. They have to come down.

So, as Americans are on my mind, and I think they are on the minds of many of my distinguished colleagues who represent real people in a real world, we must demand this Government to tighten its belt first rather than making you tighten yours. It is a problem that is magnified every day in the private sector. All one has to do is go home and just go down that path. Before we ever become Senators or Representatives, before we ever have anything to do with Government, in our private life, we should talk to the real folks that make America great.

AMERICA CONTINUES TO BE GREAT

Mr. BURNS. Mr. President, I associate my remarks with those recognizing Oklahoma City. That tragedy and what we learn from it is another sign that America continues to be great. The wounds will heal. There will always be scars, but we pick up and we continue to thrive and thrive in this great and free country.

So we salute Oklahoma, Oklahoma City, and all the Americans whose lives were touched by that tragedy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The Senate continued with the consideration of the joint resolution.

Mr. THOMPSON. Mr. President, I would like to take up once again the business before the Chamber, the constitutional amendment on term limits. This amendment would provide for a limitation of 12 years for Members of the U.S. Senate and 12 years for the House of Representatives. It is a constitutional amendment which will require two-thirds vote of this body and then ratification by the States. It is prospective in nature. That is what we are about here today.

It has been a long time coming. I believe this is the first time that a constitutional term limits amendment has worked its way through the committee system. I was proud to be able to sponsor the amendment coming out of the Judiciary Committee, and now we find it finally on the floor of the U.S. Senate for the first time in history.

I appreciate the leadership and the assistance of the majority leader in seeing that this has come about.

There was a term limits vote in 1947, as I read my history. I think term limits got one vote at that time. So it has been right at 50 years now since there has been any vote at all on the issue of term limits.

I find that absolutely remarkable because poll after poll after poll indicates that upward of 70 to 75 percent of the people in this country support term limits. I cannot think of anything else that enjoys such broad popular support that cannot even find its way on to the floor, much less get passed, before the Congress.

In a day and time when we are all hooked up with all kinds of electronic devices in order to monitor the pulse of the American people almost on an hourly basis—some say too much—there is such little time we have to reflect and deliberate, but that is what we do. At a time when we take public opinion polls, it looks like about every couple of hours in this country, in order to test what the people want, and at a time when we pick up the fact that 50 to 55 percent of the people want something in this country and we seem to jump through hoops around here in order to get it done and be responsive to the American people, we find that when it comes to term limits, although an overwhelming majority of people consistently say that they want this, it takes 50 years to even get it to a vote in the U.S. Senate.

I find that somewhat remarkable. Obviously, the reason is because in our daily lives here in regulating other people's lives and in spending other people's moneys, when it comes to us, when it comes to maybe short-circuiting what would otherwise be a lifetime political career, we turn the other way and we are not quite as interested in what the majority of the people want, or we come up with ingenious arguments why in this particular case we must show our independence and not give the majority of the people what they want.

We cannot say no to any kind of spending program that would balance our budget. But in this particular instance, we need to show our independence because what choice do we have if we accede to the wishes of the people? We would only have an additional 12 years in the U.S. Senate—an additional 12 years—as if this were an onerous proposition.

It is not an onerous proposition. It is not revolutionary. It is something that was contemplated by our Founding Fathers, who knew that from time to time circumstances would change and who provided in the Constitution a way to address those changing circumstances. Circumstances have indeed changed, and we will address those and why we need this particular amendment.

Let us talk for a moment about what the effort to get the constitutional amendment for term limits on to the floor is not all about. It is not about simply changing new faces for old faces. It is not about simply replacing people for the sake of replacing people. It is not because of any vindictiveness because we are mad at Congress, as a lot of people are, and that we want to punish somebody. It is not about that at all.

As a matter of fact, it is about just the opposite. It is about making Congress more credible with the American people. It is about enhancing the stature of Congress. Syndicated columnist George Will wrote a book a few years ago entitled ''Restoration.'' It was about term limits and the need for term limits. He is an individual who, he says, opposed term limits for many, many years; and for a variety of reasons he came to believe that this was perhaps the only way that we would be able to work our way out of our problems that we are getting deeper and deeper into in this country.

But why would he call his book on term limits ''Restoration''? It is because he believes that term limits would be something that would restore and enhance the credibility and the stature of the U.S. Congress. Indeed, how could it get much lower? Poll after poll after poll, again, indicates that after a brief blip after this last election, we are back down there in the view of public opinion, the American people, where we have been for so long that is abysmally low.

People have less and less confidence in their Government, have less and less confidence in their Congress. It is Mr. Will's view, and it is my view, that if we had more of a system that was contemplated by our Founding Fathers who could not have dreamed of a professional legislature at that time, that if we went back more to a citizen legislature type approach, that people would feel closer to their Government and have more respect for it.

I mention our Founding Fathers. I was reading recently, again, after George Washington served two terms, they beseeched him to stay on. ''How can we lose the services of the father of our country? Surely the republic will fall if George Washington does not stay on past his two terms.'' George Washington knew better. That is why he goes down into the history books in the manner that he has and is viewed in the manner that he is viewed. He knew better. He got on his horse, road out of town, and history records that he never even set foot back in Washington, DC.

The same thing with Thomas Jefferson after serving two terms. Surely—surely—we need Jefferson to run again because we know what kind of respect and admiration we have for him, and back then also. He took his slings and arrows by his opponents and the press at the time, but he was greatly admired and respected. He, too, knew it would be a bad precedent.

We are talking about the Presidency in those cases, but it was before term limits, which, of course, we have on the Presidency. People who fight most vigorously against term limits for Members of Congress, who are usually Members of Congress, seem to be quite content to keep the term limits on the Presidency, which we have. But at a time before we had the term limits on the Presidency, those two great men saw the wisdom of serving a couple of terms and then moving on. History will reflect that we have had some pretty good ones to follow them, also, who would not have been serving at the time that they served had the others chosen to stay.

So that is what it is not about. It is not about change for change's sake. There is nothing that inherently goes wrong with an individual when he reaches a certain age or you have served in Congress for a certain period of time. There is no biological changes that necessarily take place. He does not become evil because of that service.

We are talking about doing something that will enhance the stature and effectiveness of the Congress. What it is about is more than the individual Members who serve in this body or who have ever served in this body. It is no reflection on them. It is about us as an institution, and it is about us as a nation and about our future and about equipping ourselves in a way that will more effectively allow us to deal with what some believe to be insurmountable problems that we already have, fundamental problems that we really show no indication that we are capable of solving.

Mr. President, it is no less true that we are bankrupting this Nation simply because it is heard so often. But it has happened. We know it is happening. We know that the demographics are catching up with us. We know that when the baby boomers start retiring, it is going to wreak havoc on many of our social programs. We know that Social Security is in dire jeopardy. We know that Medicare is in dire jeopardy. Yet we cannot get to first base in doing anything about it.

We continue, after this so-called congressional revolution when my party was rewarded at the polls and we were all brought in, even after all of that, we have found that as an institution—I will even include the Presidency in that certainly—as a working government we cannot get to first base in solving the most dire fiscal problem that this country has ever faced.

We probably cannot do enough wrong to mess things up in the next few years. We will be OK. Most of us will be out of office and drawing our pensions, and we will once again have handed the problem over to the next generation. But down the road, as surely as I am standing here, we know the demographers tell us that we cannot continue down the road that we are on. It is just that simple. Everybody in Washington, DC, behind closed doors will acknowledge that.

Doing something about it, of course, is the hard part. We have not shown any indication that we can really do anything about it. We are talking about a 7-year balanced budget plan. The Republicans have tried mightily to get that done. We passed in the Senate for the first time in decades a balanced budget. The President vetoed it.

But even if we had that plan according to what we wanted, at the end of

the 7 years, our country would still be looking at a $6 trillion debt, a $6 trillion debt. We talk about addressing this problem to the extent that we claim to be addressing it with the assumption there are not going to be any recessions and not going to be any international conflicts and not going to be all the things that always happen—that always happen.

What are we doing to try to get to the first step? We are arguing over the division between entitlement spending and discretionary spending. Nobody really wants to do anything about entitlement spending because where the problem is is also where the votes are. It is tough to tell people we cannot continue to do things the same old way and we cannot continue to increase every year at the rate of 10 percent. Everybody knows it. We do not have the ability to tell that to anybody, because we are afraid to, because we want to get reelected, and we want the campaign contributions that come from it.

The plans that have been laid on the table, and I will be as bipartisan as I can about this, all the plans that have been laid on the table back end load the problem. The President's plan does it more than any of the rest of them, but all of them back end load the problem. So when we come up with a so-called balanced budget, all we are doing is putting numbers down on a piece of paper, hoping that years later some future Congress will have the guts to do what we do not have the guts to do, and we claim we will slash discretionary spending in the outyears, after we are out of office.

That is what will happen. That is the way we balance the budget. That is hogwash. It will not happen and everybody knows it is not going to happen. That is the best-case scenario. That is the best-case scenario.

If we made that initial downpayment, that is what we would be doing. It is not really a downpayment. If it really were a downpayment, we would still be looking at very bleak fiscal circumstances on down the road. That is not even to address the need that we have in so many other areas.

We talk about—we who call ourselves conservatives—talk about the need to reduce the rate of growth of some of these spending programs which has surely got to be done—and will be done, also, one way or another or we will monetize the debt and inflate our way out of it and become a second-rate country.

What we do not talk about sometimes is the fact that we need to spend more in certain areas in terms of our infrastructure, in terms of research and development, things of that nature. What do those things have in common that the things I have been talking about do not? It has to do with the future. There is no immediate payoff for infrastructure and research and development and things that will make our industry stronger, policies that will make our industry stronger down the road. There is no immediate political payoff for that. It is difficult to explain that to people.

What is not difficult to explain is a check in the mail 10 percent more than the check you got in the mail last year. That is what is driving the process. That is why we are in the position we are in.

So not only are the demographics going to catch up with us as far as our spending problems are concerned, we are going—without taking care of some basic fundamental needs that any strong nation has, because all this money is being eaten up with regard to a handful of programs which, with the increased interest on the national debt, is facing us with catastrophic circumstances.

You will hear the debate now that the deficit has gone down a little bit. Well, it does not make any difference if you look down the road just a little, if we look past our nose—and that is about as long range as we look or plan anymore in this country. When our competitors think in terms of decades, we think in terms of the next election and next quarterly statement if we are a corporation. If we look past our nose, the temporary ups and downs, the demographics and what is built into the system is simply going to kill us. It cannot be sustained.

That is what term limits is about. You wonder maybe where this comes in, that and what term limits is all about. It is not about kicking a bunch of people out. It is a system, a system. What kind of a system is it that produced what I just described? What kind of a system is it that we have that has produced those circumstances?

In the first place, it is not a system that we have had since the history of the country. I mentioned changed circumstances and our constitutional framework being such and our Founding Fathers being wise enough to see that there would be times and circumstances when we would have to adjust our underlying document to meet those changing circumstances. You look back in the days of the Founding Fathers and look at the challenges that they faced, it seems to me like, in many cases, or in most cases, it was more of an intellectual challenge. You needed people who understood history. You needed people who knew about other governments. You needed people who understood human nature. You needed some philosophers. Yes, you even needed some lawyers and people who understood Constitutions and how laws were written. But you needed those intellectual traits that really laid down the most noble document in the history of the world as far as what secular man has produced. We got it.

Then it seems to me that as time came along in the 1930's and the 1940's, new challenges were presented. We had the Great Depression, which my mother tells me about. We had a major war, a world war. At that time we needed inspiration. We needed programs. We need the Government to do the things that the Government maybe had not done before. We needed unifying actions. That was the era in the beginning of what some referred to as the ''rhetorical Presidency,'' when FDR—and Woodrow Wilson was a great advocate of this—we needed somebody who could rally the people and get them together to a concentrated course of action. That was needed during those times.

Those circumstances have changed now. We do not need what we needed before because we are not faced with what we were faced with before. In many cases, we have to go back and revisit what we have already done, because since those times the very nature of our Government and society has changed. We, as an institution, are less well equipped to deal with the problems than we have ever been before. Our basic problem now is not one of intellectual leadership. It is not one of rhetorical leadership. Our problem now is the lack of will, the lack of will to do what we know that somebody, either us or our successors, have to do. We do not have the lack of will.

Why is it we are in such a system now? I think it is because of many reasons. Look at what has happened since then—the growth of Government. Government has grown mightily since then. That means spending, the cult of spending, the political reward you get from bribing taxpayers with their own money. It sounds pretty harsh, but that is essentially what it amounts to. No politician was ever turned out of office simply because he said yes to somebody, that, yes, they could have whatever they wanted. That is kind of what we feel like we are there to do, is to listen to people who want money, want programs, want increases and want more and respond to that. It is the cult of spending.

Because of our desire not to ever want to say no to anybody, because that could endanger our career, we more likely than thought, ''Go along with it.'' That is a shorthand for the basic problem we have. There are other factors—the overall philosophy that you need somebody in the Senate, for example, who has been around for a long time. The idea is you come up here and you stay as long as you can and then at the end of the day you are in a position to get more pork for your State than anybody else.

That is the philosophy that still holds over to this day. You do not worry about the Nation necessarily; it will take care of itself. For a long time, the Nation did take care of itself. It was like one old Texan said one time, ''I have watched those folks from up North talk about this. They do not do it better than we do, and every time they get a ham, I'm going to get a hog.'' That is the way he worked his career, and he got a lot of hogs.

That might have been all right for a while. But now, what is good for the Nation is good for the State; what is

bad for the Nation is bad for the State. Nothing is going to be good for any particular State if it is bad for the Nation. We all live in the same world. We are bringing kids up in the same world. They are all going to be suffering from the consequences of what we are doing right now. But usually, again, getting back to spending, they are the ones that are going to be paying 80 percent tax rates and paying astronomical interest rates when they go to buy their first home or automobile. They are the ones who are going to suffer the consequences. It is not going to make any difference to them whether or not we got an extra road built somewhere.

The interest groups have proliferated every year, and more and more come to town. People have a right to come and petition their Government. I have never been one of those who criticize people who come in and petition their Government, whether they do it personally or through a hired lobbyist. If we are going to pass laws that affect people's lives, we have to expect people to come in and tell us what effect that is going to have. But we have passed so many laws, regulating so many aspects of life in America and business in America, and everybody now has a stake up here, and they interpret that stake in terms of how much more can they get from up here. It is not a matter of concentrating on making the pie bigger anymore, it is a matter of making sure you get a bigger share of the pie, which means taking it away from somebody else. That is the fight up here.

As the interest groups grow and become more powerful, they have a carrot and a stick for every Member of Congress. The carrot is financing them. The stick is working against them for their reelection. Those are powerful motivations, all under pressure and going toward the ultimate result of more and more spending—more and more spending.

Someone said one time that the ultimate test of a democracy was whether or not, once the people learn they can pay themselves out of their own treasury, they will never have interest rates. That is the question we are going to have to answer in this debate. I am not sure that the answer is looking all that good.

So what will term limits do? It is no panacea, we know that. There is no short-term solution. This constitutional amendment process in and of itself certainly is not a short-term process. But what I think it will do is better give us a chance to deal with these problems, to ameliorate the influence of the cult of spending that we have all fallen into in this town. In the first place, it will open up the process. People will know that certain positions will be open from time to time, and if they ever want to serve their country a little bit and come up here and look after the interests of their children and do the right thing, they do not have to go up against some well-entrenched incumbent who has all the money he can possibly use because that is where the money flows, but it is going to be open. They say, yes, I have done something with my life already. I have a career, I am a small business woman, or I am a farmer, or I am a professional person. But I can give a few years, knowing that I will be coming back home before too long. I can give a few years of service. What is the motivation? What is going to be the motivation of that person to go build a political career and be timid and say, yes, and spend and spend? No, he cannot, because after a certain number of years, under this constitutional amendment, he is out. Two terms in the Senate.

I ask my colleagues, most of whom are going to oppose me on this amendment, I regret to say, what it would be like to run or serve 6 years in the U.S. Senate, knowing you are not going to have to raise any more money, and knowing that you are not going to have to worry about being turned out of office. Some people do that anyway—under self-imposed circumstances. I have committed to do that. I do not say that that is the only way to go. It is not the only way to go. I admire my colleagues who say let us change the system, including me, but until then I am not going to do it myself. I do not personally have any desire to stay past that allotted amount of time. That is my own personal decision. I am looking forward to the time when I can spend all of my time doing what the people sent me up here to do. That is the kind of system that we would have under term limits.

A third of the people, at all times, in this body would be under those circumstances. Would that not be more likely to produce people who would be willing to take some risks in leveling with the American people, and saying we cannot consume any more right now because we are taking it from the unborn, we are taking it from your daughter's unborn child, because they will be the ones that have to pay the consequences. So we cannot have that right now. How many times have you heard anybody say that recently? I think if we had a different kind of system, we would be more likely to see that on a consistent basis. I think we would be more likely to do something about the cynicism that we have seen, which has been too prevalent for too many years.

I see other colleagues on the floor, Mr. President. So at this time, I will relinquish the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Parliamentary inquiry. Mr. President, under what order are we? Is the Senator yielding and controlling the time?

The PRESIDING OFFICER. There is no order with respect to that.

Mr. COVERDELL. Mr. President, I rise in support of the efforts of the Senator from Tennessee, and the Senator from Missouri, in support of the amendment to the Constitution to limit terms.

Mr. President, wherever I travel in my State, the citizens of my State are vastly in support of term limits. The Senator from Tennessee said it is not a panacea, and that is right. But I do believe that the reason the American people are so supportive of term limits is because they have come to view the Nation's Capital as a bastion, a fortress, a place where their accessibility is difficult to accomplish. I think they have come to believe that the responsive nature of our Capital City is lacking. And they are seeking to support every tool, every form of discipline, which they envision might contribute to opening it up—like opening windows to air things out in the springtime. They are looking for tools that they believe will help break through this fortress, that will help bring change to the way things are managed in our Capital City, and that will make the Government, their elected officials, more responsive.

There can be no doubt but that over the last half century Washington has become a professionalized institution. The politician of today does not remotely resemble what our forefathers had envisioned. They envisioned legislators for an interim period. They envisioned legislators who dedicated a certain portion of their lives of each year to legislating, but were still connected in the workplace at home. They were still farmers, they were still merchants, they were still engaged in the life-making activities. They were not separated from the trials of their own fellow citizens. But today, as we have changed, and Senators talked about change, it is an entirely different process.

If you go over here to the Russell Building, which is where my office is, named after one of the most distinguished Members of this body, Richard B. Russell, of Georgia, and if you look up at the top of the doors, they were all numbered differently. The reason is that each one of those cubicles was the entire office of a U.S. Senator. Of course, it is half the floor now. That Senator had a personal secretary and maybe one other assistant. They got on a train, or they traveled by car in that day. They came to Washington, and they were here for a period of time entirely and then they went back. That Senator and that one employee were enough to respond to all the inquiries.

Today those are vastly enlarged offices. I do not know about the Presiding Officer's office. But we receive 1,000 to 2,000 inquiries a day—a day. It vastly changed the manner in which we function, and it tends to separate us.

Term limits will cause an opening up of the process. It will free and make more independent the voting of the membership. Perhaps, Mr. President, the single most important thing that

term limits will do is to bring to Washington contemporary thought about the day and about the time.

Mr. President, in another life I had an opportunity to be director of the U.S. Peace Corps. In that role, I probably met more of our ambassadors than any other individual in the Government, with perhaps the exception of the President, and I might have met more of them. There has always been an argument that they should be professional and not political appointees, and there is always a pressure that there be fewer and fewer political appointees. I always argued against it. I thought the majority should be Foreign Service in training. But I thought both the Foreign Service and the world were well served by mixing with these professionals contemporary thought, people who came from the workplace and who recently came from the workplace so that the Foreign Service in the countries around the world could get a feel for what was being thought in the country at that very time.

It is very easy to get disconnected in the Foreign Service, and it is very easy to get disconnected in this service because you are removed. It is not an intentional effort, but you are removed from day-to-day affairs, so contemporary thought is left behind. I think term limits addresses that issue, just as I believe that there is a purpose and use for involving in the Foreign Service's political appointments people who come from the workplace, who come into that apparatus and who have been dealing with the trials of the day because they are a better reflection and mirror of who we are as we send these people abroad. They can talk in very contemporary terms about what is happening on the streets, so to speak. I think that turnover, or that bringing to the Capital City the most contemporary thought, is useful.

Both the Presiding Officer and the Senator from Tennessee are contemporarily elected, and I think both agree with me that our attitudes are quite different than some of the colleagues who have been here for an extended period of time—not necessarily better, but certainly different because we have been on the hustings. We have been in our cities and towns. We brought the newest thoughts, one of which is term limits, to the Capital City. We were running for change, and I think term limits would be a perpetual agent of change.

Mr. President, I will make a couple more comments and then yield.

For the life of me, I do not understand why we have term limits for mayors, for Governors, for Presidents, for State legislators, but that for some reason it would have a dilatory effect on the U.S. Senate. Somehow my State has survived rather adequately with stringent term limits. At one time you could only serve as Governor for one term. At one time the terms were only 2 years. Yet, the State prospered and grew and became better. I cannot find any empirical evidence where term limits have diminished the expertise, or talent, or ability of Government. In fact, I think it has had the capacity of energizing it because there was always a new personality coming into the picture, a new emphasis. I think it has stimulated citizen thought because we are seeing an array of different personalities and ideas that are being brought into the system. I think again that is what term limits will ultimately produce.

I do not believe it will diminish this institution. I think it will help the institution as it has in our States as Governors and in our cities as mayors. This device has been a useful tool to bring contemporary thought to invigorate the debate of ideas to our institutions.

I commend the Senator from Tennessee, I commend the Senator from Missouri, and others who have joined in this historic effort to bring this institutional change.

The Senator was talking about the vast difference in our times. It was de Tocqueville who warned us of the one frailty he saw in our new democracy which was that as time went on, would it be able to have the will to discipline itself from the pressures of elections, the pressure to stay elected mounting a burden on that constantly seeking of elections? I think it is right to raise that issue because it is clearly an issue of independence and intimidation that has produced a financial dilemma for our country that could bring about the fact that we are sitting here today in the U.S. Senate faced with, in the decade, five different programs consuming 100 percent of the U.S. Treasury. It is clearly a result of a citizenry that is not functioning the way our forefathers intended it to function.

So I commend you and the others, and I am pleased to have had an opportunity to come to the floor.

Mr. President, I yield the floor.

Mr. THOMPSON. Mr. President, I thank my colleague from Georgia. He has been a leader in this effort for some time and a leader before I got here. I would like to refer again to the thought that he expressed, that term limits would not diminish this institution; it would enhance the institution, going back to the proposition of restoration, and restoring it.

Mr. Will pointed out in his book that back when the country was founded, people would line the streets and say, ''Long live Congress, long live Congress.'' Can you imagine someone—anyone—much less lining the streets, today saying ''Long live Congress''?

I think this would do more to enhance the U.S. Congress in the eyes of the American people, make it a part of them, and open it up for them. It would give the 250 million people in this country—we have 250 million. They say, ''My goodness, if we had term limits, we would not have had Senator Jones here for all of these years. We all acknowledge that our Republic would surely have fallen if we had not had Senator Jones.'' But we have 250 million people. How many potentially wonderful contributors to our society are there out there, if we open up that system for them and let them compete in the political marketplace without having to overcome the insurmountable odds and money that our system has thrown in their way?

I see my colleague from Missouri, whom I am proud to say I have walked shoulder to shoulder with through this process. He and I have been here. No one has worked harder in this area. I see he is present.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, thank you very much. I want to thank the Senator from Tennessee for his leadership and commitment on this issue.

Term limits, at its core, is about fundamental American values. More than anything else, a free society respects the will of the people. It is understood that from time to time the passion of the people will move wildly in one direction or other. But when we are talking about term limits, we are not talking about some passionate wave of support for a novel concept.

Term limits is a considered understanding of a reform which is working. It is a limitation on service that has been operative for the duration of our democracy in terms of the executive branch, with the exception of President Roosevelt. It is in place in States all across America. So it is indeed consistent with one of the basic values upon which this Nation was founded—a respect for the will of the people.

Our ability to receive communication from the people and to respond constructively is one of the reasons that I have sponsored and opened the first electronic on-line petition to the Congress of the United States, from the people of the United States, so that groups and individuals can show their support for congressional term limits.

I think it is important that we provide this opportunity for the people of America to indicate their support and demonstrate their interest in this issue. And for groups, interest groups and citizens, that have worked together on other projects, they can knock on the door of the U.S. Congress through the Internet and alert us. We have had more than 40,000 people visit the term limits petition page.

Mr. GRAMS. Mr. President, I was wondering if I could ask the Senator from Missouri a question regarding just what he has said about this petition bill which the groups are trying to help with on the World Wide Web and Internet. Where do you find the most of the support coming from? Who has been out there knocking on the door offering their support, and, maybe more importantly, who has not been

there when we have needed this type of help and support?

Mr. ASHCROFT. I thank the Senator from Minnesota. We have gotten lots of support from groups, of course, who are focused on term limits—United States Term Limits, Americans Back In Charge, the American Legion, the American Conservative Union, the Christian Coalition—politically focused groups that understand the need for the revolution, which the American people have asked for, and a change in the way Washington does business.

Individuals all across this great land have flooded our term limits home page. It has been especially interesting to see what has happened on the Internet because it allows people who might not have the capacity to come to Washington the chance to communicate. I have had blind people use the Internet. I have also had paraplegics write thanking us for opening this link of communication.

Interestingly enough, I am pleased to say to the Senator from Minnesota, the community at large has been willing and eager to help us open this link of communication. C–SPAN linked our term limits home page to their home page. USA Today, the newspaper, linked our term limits home page and our petition to their home page. CNN, the Cable News Network, provided a link. Politics USA, which is on the net, provided the services of CompuServe and America Online. We have had a tremendous outpouring of assistance and support. It has been very interesting to see the surge of interest and support that individuals have rendered which have made it possible for Americans to express themselves.

(Mr. GRAMS assumed the chair.)

Mr. ASHCROFT. The Senator asked who has not been here. We have had people from virtually every walk of life, but there have been a few notable absences, and that has caused substantial disappointment. For instance, United We Stand, Ross Perot's organization, has always advocated term limits, but I have not heard a thing from Ross Perot about this. That is a disappointment. I certainly hope that his commitment to term limits is not just lip service. People want commitment to revolution—change or reformation—to be substantial, and I believe that Americans want a real commitment to this kind of revolution.

An important aspect of this debate is the fact that Senator DOLE first scheduled it last fall, and it was clearly sent as a signal. With such advanced notice, we had the ability to set up the home page for term limits. Not every issue comes to the Senate with this much advanced publicity. With that kind of open communication, people who really care about term limits have had the opportunity to get involved.

That is why I thank Americans Back in Charge, US Term Limits, the American Legion, the Christian Coalition, the American Conservative Union, and numerous other groups. And I thank groups like USA Today and CNN who allowed us to have a link from our home page to theirs. It is disappointing that those I expected to be there, who have given lots of voice to a commitment to term limits, have not shown up. However, I believe we have very broad-based support. Yes, there are a few disappointments, such as Ross Perot, but that does not mean they do not favor term limits.

Speaking of those who favor term limits and what we have done with it nationally, let me go to a chart which illustrates some important points.

About 7 or 8 out of 10 people, according to all the polls, favor term limits. These States have sought to enact term limits for the U.S. Congress, saying that people who represent their State should be limited in the number of terms they can serve.

It is interesting to know that these are the States, by and large, that have the initiative process for enacting legislation, meaning that if you are in one of these States and you do not like what your legislature is doing, you can start a petition drive. You can actually initiate a move to enact, to enshrine in the law, a concept that the people want regardless of what the legislature wants.

The fact is, you would find that there are 23 States that, on their own motion, simply took the matter into their own hands. They said, ''We want term limits. We are probably not going to get it from the professional politicians, but we will do it by signing petitions; we will take to the streets; we will provide the impetus for this revolution.''

Arkansas is a good example of a State which took such initiative. Arkansas was one of the more recent States to attempt to limit the number of terms the individuals from their State could spend here in Washington, DC representing them. And out of that enactment came a famous case which was handed down by the U.S. Supreme Court last year saying the States cannot do this. The States cannot individually decide on their own that they will limit the terms of the individuals they send to Congress. So, it is 23/50 of the States generally. It is almost 100 percent of the States with initiatives by the people.

The Arkansas case, which was ruled on by the U.S. Supreme Court, said that the States cannot limit the period in which their own representatives serve. In effect you have the U.S. Supreme court saying that States do not have the authority. You have the courts, public servants who upon appointment are there for life, against term limits.

One of the reasons we had the judiciary against term limits is that the administration, the executive branch, argued before the court in opposition to term limits. With both the executive branch and the judicial branch standing before the will of the American people their only hope is for the United States Congress to be for term limits.

I suppose it is true that the Congress is for term limits—term limits for everybody but the Congress. It reminds me of that old saying in my legislature back in Missouri. They would say, ''I will not tax you and I will not tax me, we will tax the fellow behind the tree.'' We are willing to have discipline for everybody but ourselves.

The whole idea of term limits is not novel. Senator THOMPSON, from Tennessee, has done a masterful job of talking about this concept. It is not novel. George Washington set the standard for term limits in this country when he said we should distinguish America from the monarchs of Europe, that we needed to have that renewing flow of creative energy from the citizenry of the country regularly. And he walked away because he understood the value of new life, of new input, of the new energy that comes from new people coming forth from the American citizenry.

Term limits reflects George Washington's view of the depth of the talent pool of a free society. He may have looked to some casual observers like the only person with the integrity and capacity in America who could have led the country. There have been times, I suppose, when it may have appeared that there was only one. But I happen to have a view of the talent pool of America that is similar to that of George Washington, and that is that we have enough talent that we do not have to lock a few people into office, thinking they are the only ones who can do the job.

I do not think there is any concept that is more ridiculous—and it is almost amusing except it is tragic—than the thought by some Members of this body that we are the only 100 people who could make good decisions in the U.S. Senate. As a matter of fact, we may not be capable of the good decisions, and I think the marketplace of public opinion will determine that. But this country is rich in terms of individuals with the capacity to make good judgments. We need not fear that we do not have enough talent to change public officials once in a while.

We have established a history of term limits in this country. In the early 1950's, we checked term limits for the President of the United States. We had a President in the mid-1930's and 1940's who ran four times and, with the tilted field of incumbency, snowballed himself into office four times. The American people understood that the value of incumbency is the No. 1 perk of public office. You can talk about election reform. There is no election reform more important than the election reform of term limits. The American people understood that the tilted field that came from long-term exploitation of incumbency simply had to be leveled, and they leveled the field for President back in the early 1950's, with the 22d amendment to the U.S. Constitution. The President became a term-limited office.

To hear some of the academics talk about term limits, you would think that would have been the ruination of America. Not so. Not so at all. As a matter of fact, there are a number of States that have long embraced the concept of term limits for Governor. As my friend from Georgia, Senator COVERDELL, indicated, some of those term limits were very short. But the States prospered, finding that the talent pool available in their jurisdictions was always adequate to supply the need for good public officials. There are 41 States that have sought to limit their terms.

Mr. President, 23 States tried to limit the terms of Members of Congress, and most of those came as a result of the will of the people specifically, and there are about 20 States where the State legislatures themselves have limited themselves in their terms, because they have understood the value of term limits.

I say this to make a point that I hope can be made fundamentally clear. Term limits is not an experimental, novel theory. We have only had one time when we did not have a limit of two terms on President of the United States by virtue of the respect for the term-limits policy of George Washington, and now we have it by virtue of the 22d amendment to the U.S. Constitution.

We have 41 Governors who are term limited. We have 20 State legislatures that work under term limits. We have a Congress of the United States which should have been term limited, I suppose, in 23 States, were the courts to allow the will of the people to prevail. But the courts said that had to be set aside. So that the American people have a vast experience with term limits.

Not only do we have term limits at the State level but at the municipal level as well. Cities have term limits, notably the largest city in America, Los Angeles, and the second largest city in America, New York City.

The President of the United States works under term limits. The Governors of the States are term limited. You have the State legislatures that are term limited. And you have the individuals who work in the cities that are term limited. You say, ''Wait a second, who is out of step here? Members of Congress or the American people?''

You also have the academics and those from the think tanks who say that term limits simply cannot be respected and that they cannot be expected to operate. It is a terrible concept. It will destroy Government. I say to those guys in the think tanks, ''You may not be able to work this out in theory, but the American people have worked it out in practice.'' It may not work inside the ivy-covered tower of academia, but it has for centuries, and in hundreds and hundreds of circumstances. And what is more impressive to me than that is, where are the people rising up to set term limits aside?

You have this incredible array of term-limit operations all across America, and the people operate in the context of term limits, where it is there, and they like it. They do not overthrow it. They do not have petitions to get rid of it. They do not have demonstrations against it. As a matter of fact, when the people see it operate in all these segments and the big zero here around the Congress of the United States, what do the people want to do? Does their aspiration reflect their displeasure with term limits as a concept or their endorsement of term limits as a concept? I submit it takes no rocket scientist to figure this one out. Mr. President, 70 to 80 percent of the American people endorse the concept of term limits for the U.S. Congress.

I just want to point out they do not endorse the concept out of ignorance. They do not endorse the concept out of a lack of familiarity. They do not endorse the concept because they do not know what they are talking about. They endorse the concept on a basis, a very substantial basis, of watching, observing and living with the observable impacts of the concept as it is related to the President of the United States, as it is related to the Governors of their States, as it is related to legislatures in their States, as it is related to city, county, and local officials in their States. And, all of a sudden, we come to the judgment: Wait a second, maybe—maybe—the people could be right about this. Of course, it is part of the definition of democracy that we value the input of the people, especially when the people are not responding to some cataclysm, but they are reflecting their considered judgment after a rich heritage of experience.

It reflects their confidence that America is not a shallow pool containing scarcely 100 people who could serve in the Senate. No, it reflects their understanding that with individuals who can use the perk of incumbency to vote themselves back into office by dealing out the resources of the next generation, they look at that and say, ''There's a difference between what we do at the State and local level and what the Congress does.''

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

Mr. ASHCROFT. Certainly.

Mr. LEAHY. I do not know if the Senator was aware that in the Judiciary Committee I had offered an amendment and included in the Committee report that I intended to offer an amendment during this debate which would basically make term limits effective immediately. Obviously, you could finish the term that you are in; the Constitution would require that. But if, at the end of that term, you fit the number, whether it is two in the Senate and whatever it might be in the House, you would have to leave. That would be true term limits.

I say this because I have heard a number of Members of the House who have been here for 20 years who say they are for term limits, and we have at least one senior Member of this body who has been for term limits literally before I was born but is still here.

Would the Senator from Missouri support my amendment to make term limits effective immediately, that is, at the end of whatever term you are in? If you fit the bill you are out?

Mr. ASHCROFT. First, I was aware of the Judiciary Committee's deliberations on this. Second, I am aware of your position. Now, let me tell you what I support.

I support a measure which would limit the terms of Members of the House of Representatives to three terms and Members of the Senate to two. It would be no problem for me to limit my own terms, particularly since I am new to this Chamber. Indeed, I came here intending to limit my own terms to two.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 3699, AS MODIFIED

Mr. THOMPSON. Mr. President, I modify amendment No. 3699 with the text I now send to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the first word and insert the following: ''instructions to report the resolution back to the Senate forthwith with an amendment as follows:

''(*two-thirds of each House concurring therein*), That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE —

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

Mr. THOMPSON. Thank you, Mr. President.

Mr. ASHCROFT. Mr. President, if I may reclaim my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. LEAHY. Will the Senator yield for a further question?

Mr. ASHCROFT. The Senator will be pleased to yield at the conclusion of his remarks. I would add that I happen to be one of the few people in this body who has been term limited. I think it was a good thing.

I have observed the operation of term limits at the State level and, believe me, it is appropriate. I think it is important that the Senator understand

what differences there might be if we were to have term limits.

Term limits change the way decisions are made. It is of interest to me that Stephen Moore of the Cato Institute conducted a study to determine what life under term limits might be like. What he found is we would have passed the balanced budget amendment three times. Concurrently, we could have equipped the President with the line-item veto as long ago as 1985. Can you imagine? Life under term limits would be different alright.

It is my belief that the people of this great land have said, ''We are tired of displacing the costs of our own consumption to generations yet to come. We are tired of the fact that every new child has a debt at birth of $18,000.'' And yet, commonsense reforms like these continue to fall short of the support needed for passage.

Mr. President, those are the things that did not pass. The study went on to note things that did. It is interesting. I see my friend, the Senator from Tennessee, is nodding his head because he knows what the issues are. Neither of the last two tax increases would have passed, and the last two pay increases would have failed as well.

I do not think that we should have term limits in order to get specific legislation. I think we ought to have term limits because it reflects well on the fundamental values of America. We should give the people what they ask for, what they know they want. We should at least give them the opportunity to vote on it. What stuns me is that Members of this body do not even want to let the States have a chance to consider it. That is a rather troublesome thing.

There are a wide variety of arguments that people bring up against term limits. It is said, ''Well, won't term limits increase the power of nonelected bureaucrats and staffers?'' I think in theory you might think the staffers will know everything. That has not been the way things have happened, however. It was not too long ago that PHIL GRAMM came to the Senate and tried to upset the apple cart of spending in his very first term. I think the 1994 newcomers have brought new ideas and energy as well.

Somebody said, ''Well, it will increase the influence of lobbyists.'' I think the basis of lobbyist relationships is long-term. As a matter of fact, most of the lobbyists I have talked to are opposed to term limits. They make big investments. They want those relationships to be as cozy as possible. I do not think we ought to have individuals in the Congress looking forward to long careers in Washington, DC. I think we need people looking forward to service in their district or State.

I believe the people of America have a strong understanding of term limits. The people have enacted term limits for 41 State Governors. In every State where they have had the initiative process, they have added Congress to the mix.

The beltway around Washington is the barrier to reform. Roughly 74 percent of the people want term limits. We have the opportunity to give it to them. And we have resisted. It is our fundamental duty to reflect the will of the people, to offer them the opportunity to embrace term limits for the Constitution of the United States.

The Senator from Vermont inquired earlier about retroactive term limits. What is interesting to me is that, to my knowledge, everywhere the people have had an opportunity to enact term limits on their own, they have made the limits prospective. I believe that is why we should have the kind of bill which has been proposed. It is not that you could not have another kind of concept. Instead, it is because this is what the American people prefer.

So I think the will of the people themselves is instructive. There may, of course, be a theoretical reasons why people would want a different approach. I do not know what that might be. But given the experience that the American people have had, and the durability of their understanding, I think it would behoove us to make our approach consistent with what they have requested in the past and with what they have specifically asked for themselves. That is consistent with the fundamental value of democracy for which this country stands.

Ultimately, term limits and our ability to offer it to America for inclusion into the Constitution at the adoption of the States is something that should foster, underscore, emphasize, improve, and strengthen the values for which we stand. I yield the floor.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Vermont.

Mr. LEAHY. Mr. President, I listened to this whole debate on term limits with some interest. I am well aware of the fact that the Republican leadership has tried to set this up so that nobody can introduce any amendments. The Republican leadership has filed for cloture within 5 minutes of beginning proceedings and is apparently going to do everything possible to block anybody from raising questions.

I succeeded a Republican Senator. Everybody who has ever been elected from Vermont has succeeded a Republican Senator because I am the only Democrat our State has ever elected. We are the only State in the Union that has elected only one, and, for better or worse, that is me. My predecessor, a distinguished Republican, was elected the year I was born and served until I arrived here. This Republican Senator was considered the dean of the Senate. The fact that he served from the year I was born until I came here probably gives some sense of term limits in our State.

Frankly, I have a great deal of respect for our distinguished majority leader, Senator DOLE. On term limits, I would have only gotten a chance to serve with him for one term, way back in the 1970's. Then he would have been gone. The distinguished President pro tempore, Senator THURMOND, who held elective office long before I was born, I would not have gotten a chance to serve with him at all. In fact, virtually the whole Republican leadership would have been long gone by now.

What I worry about when the amendment is written so as not to apply to current Members is that this is a little bit of a shell game on the American public. It is a bit of a con. It was probably not meant that way, but it amounts to this: You could have a Senator who has been here for, say, three or four terms and vote for term limits. They are up for election this year, knowing that a constitutional amendment cannot be ratified in time this year. That same three- or four-term Senator if reelected this year, could proceed to serve that 6-year term and two additional 6-year terms, 18 more years, after voting to impose a 12-year limit on all those who are first elected to the Senate after the amendment is ratified. Or somebody who had served five terms, say, a Senator who has been here for 30 years, could vote for term limits and, having served 30 years, serve 18 more. Then they would say, ''I am for term limits.'' Now, be honest. Vote for it or do not vote for it. Everybody has to make a determination.

There are, of course, term limits. Every 2 years in the House of Representatives there is a term limit. It is called an election. In my State, every 2 years there is a term limit for Governor, and virtually every other office has a term limits. It is called an election. Every 6 years is a term limit for Members of the Senate. It is called an election.

However, do not call this proposed constitutional amendment one of term limits when it is set up in such a way that most of the Senators in this place could vote for it, and no matter how many terms they had already served, could count on serving for 12 to 18 more years. You have Senators who served here before people were born, who could be serving here long after they are retired under these so-called term limits. Now, that is not term limits.

Make sure that the American public understands, under this proposal, any Senator, no matter how long he or she has been here, could vote for this, see it go into the Constitution and still be in office for another 12 to 18 years, even if they have already been here for 20 years, 30 years or whatever else it might be.

I hope, Mr. President, that even though the Republican leadership—all of whom have served here for many more than two terms—have done their best to block any chance for my amendment to come up, I hope they would change their mind and realize that blocking a vote on it might appear a tad hypocritical to those people who live in the real world. Those are the people who do not rely on their elective office, who do not, as the distinguished Senator from Missouri said, live in

think tanks, but the men and women of the streets of Vermont, Missouri, or anywhere else. Those people may see a bit of hypocrisy if they see somebody who has been here for 24 or 30 years, whatever, vote for a proposal which would still allow them to serve for another 12 to 18 years, and call it term limits.

I think the American public will see through that hypocrisy, especially when the American public knows that they can set term limits anytime they want, every single election. That is something to keep in mind.

Some say we do not have it in our power to pass term limits. We have it in our power. Every one of us has to file petitions or take steps in our States to qualify for election. Any one of us can say, ''I am setting term limits. I am leaving at the end of this term.'' No constitutional amendment is needed to that. It is term limits.

I wonder how many Senators are here who are now in their fourth, fifth, or sixth term, who every single time they run say, ''We need term limits, we need term limits, and I will keep on saying it for the next 20 years, we need term limits.'' They could limit it simply by leaving.

Do not call this amendment term limits, where a Senator in his third, fourth, fifth or sixth term could vote for this and still run for three more terms. That is not term limits. That is a bumper-sticker slogan. That is a political fundraising device. That is rhetoric for the campaign trail. But that is not term limits.

Term limits are imposed when Senators, and we have had a number on both sides of the aisle, who say, ''I came here to serve two terms, or one term, or three terms,'' and then leave when they say they would. We have had many, many Senators on both sides of the aisle who were facing an easy reelection, but said, ''This is the time to go. I leave.''

Ultimately, in my State, where my Republican predecessor was elected the year I was born and served until I arrived, enjoying greater popularity every year, this is reflective of what happened. I think every so often we have to make it clear what is really happening here. I would vote to bring this amendment up for a vote. I think we should. But we should bring up each aspect of it and not do as the Republican leadership has: Stack the deck and do everything possible to block the chance that somebody might bring up an amendment that would raise a real question. Let us test whether those who claim they are for term limits would be for such limits being applied to them. Let them vote on something that might limit them at the end of this term, not at the end of this term plus another 18 years.

What this is, this amendment is an incumbent's protection limit bill, not real term limits. This is saying that somebody elected in the future will have term limits, but those of us who are already here after several terms, we are protecting ourselves for another 18 years. If you are brandnew out there, a few years from now, we will term limits for you, but, boy, we are sure protecting us. Because if we have been in the Senate for 24 years or 30 years or 36 years, we are going to make sure we can stay around for another 18 years. We have protected ourselves in this.

No one who votes for term limits should stand up and say, ''See how brave I am.'' Go back to the American public and say, ''We are so brave, we limited somebody else to two terms, but for those still there, we have another three terms.''

We will limit the men and women out there who have not yet run to two terms, but we will protect every single term we have already served and give ourselves another two to three terms. That is not term limits, that is campaign fodder, that is a bumper sticker, that is sloganeering rhetoric, but it is not term limitation at all.

FEDERAL JUDGES

Mr. LEAHY. Mr. President, every so often we have to remember that this is an election year, when a lot of campaign rhetoric comes up, just as it has in the past few weeks about the Federal judges nominated by President Clinton and confirmed by this Senate, which is now under Republican control.

I am a member of the Judiciary Committee and I have served on these nominations. I am familiar with the outstanding backgrounds of these nominees. I believe the U.S. Senate was right when we confirmed them and the President was right when he appointed them to the Federal bench around the country.

President Clinton took a Federal judge, the chief district judge in our State, a Republican, appointed by a Republican President, and moved him to the Second Circuit Court of Appeals. I believe that was the right move. The President then appointed J. Garvin Murtha, of Dummerston, Vermont, as the chief Federal district judge for the District of Vermont—another very good move. He appointed William Sessions of Cornwall, Vermont, as a Federal district judge, another good move and one applauded by Republicans and Democrats alike throughout our State—all three of these. Two of them were former prosecutors. I served as a prosecutor with two of them.

I am troubled by efforts to characterize President Clinton's appointments as soft on crime. Ask some of the people that have been sentenced by some of these Federal judges whether they think they are soft on crime. There was one reference made in one of the sentencings, ''If you ever have to have a heart transplant, you would want the judge's heart because it has not been used yet.'' These are tough judges.

I was privileged to serve for 8 years as a prosecutor before being elected to the Senate by the people of Vermont. I know a little bit about law enforcement, and I also know a little bit about political campaigns.

If you want to play a game of, ''Oh, look at these judges President Clinton has appointed,'' and pick out an isolated case here and there—and there are tens of thousands of cases—you can play that game. If someone were cynical, they could play that game. If somebody wanted to pick out selected cases, they could play the game.

If I wanted to—and I do not, of course—I could talk about some of the decisions of judges appointed by Presidents Reagan and Bush, who reversed convictions or sentences of defendants that juries found guilty beyond a reasonable doubt of atrocious crimes.

If I wanted to, I could talk about Judge Daniel Tacha. I believe he was suggested by the distinguished Republican leader for an appointment to a seat on the tenth circuit. A good Republican appointment. He recently wrote an interesting opinion that suppressed evidence seized by a Utah State trooper. After a lawful stop, upon learning that the license of the driver had expired and after receiving suspicious responses from the vehicle occupants, the State trooper asked for and received permission to search the trunk of the car. Let us be clear that he had a right to do that on the face of it. He found a gun, scales, and a duffel bag that had crack cocaine in it. Despite the fact that the driver consented to the search, this Republican Judge ruled that once the trooper determined that the car was properly registered, he could no longer detain the defendant and, thus, the search was unlawful. The judge ruled that the crack cocaine was to be suppressed. If I were cynical, I would say that was an indication of how the Republican judiciary feels. But I am not going to.

In another case, a 13-year-old boy was murdered by four young men because the boy caught them stealing a bicycle worth $5. These men stomped this 13-year-old boy to death and stifled his screams by shoving stones down his throat. All four men were convicted by a State court, and their appeals were rejected. But then Judge Richard Korman, a Reagan appointee, decided that the State appellate court was incorrect. He found ''troubling inconsistencies'' in the story told by law enforcement officials. As a result, he decided to free the convicted murderers—these men convicted of stomping to death this 13-year-old—on $3,000 bail. I have seen traffic cases that got higher bail than that.

Now, if I was cynical, I would blame President Reagan for appointing them. But, instead, I will praise three other judges appointed by President Reagan—no, actually I cannot. I was going to say that they overturned this decision when it went to the court of appeals. But these other three appointees of President Reagan affirmed this. They did not even bother to issue an opinion. Is that an indication of the

judicial philosophy of President Reagan? No, I do not think so at all. But is it an indication of some of the judges appointed?

Judge William Cambridge of Nebraska, a Reagan appointee, overturned the death sentence of a defendant who not only confessed to killing three young boys, but who said that he would do it again if he were ever set free. One of the boys was pinned to the ground by a knife through his back and was slashed and stabbed to death as he pleaded for his life. One of the other victims endured a similar fate, and when they found his body, it had a drawing of a plant cut into his torso. Judge Cambridge vacated the sentence because he concluded that the State statute's use of the term ''exceptional depravity'' was too vague. If this is not exceptional depravity, I do not know what in Heaven's name is.

On appeal, the deciding vote to reverse Judge Cambridge and affirm the death sentence, the deciding vote to reverse the Reagan appointee's decision was cast by Judge Diana Murphy—and she, incidentally, was a Clinton appointee. She helped correct what I think was an egregious mistake and concluded that under any reasonable interpretation of the statute, these crimes certainly qualified as depraved and for the sentence.

In another recent case from Nebraska, Judge Richard Kopf, an appointee of President Bush, reversed the death sentence of a convicted double murderer. The defendant was given two capital sentences in the stabbing deaths of his cousin and her house guest. Despite suffering seven stab wounds, the defendant's cousin was able to make her way to a phone, summon help, and then died. After the Nebraska Supreme Court twice rejected appeals, Judge Kopf granted a habeas corpus petition, concluding that the Nebraska Supreme Court had misinterpreted its own State law by reweighing the aggravating and mitigating circumstances involved in the case. It went up on appeal, and the eighth circuit reversed the decision, finding that Judge Kopf had exceeded his authority by contesting the Nebraska Supreme Court's interpretation of a Nebraska statute.

These were all Reagan and Bush appointees, and one of the most egregious decisions made was reversed by a Clinton appointee.

Those of us who have tried a lot of cases know that sometimes cases do not turn out the way you want. That is why you have appellate courts. Sometimes judges rule in a way that you just cannot understand. But I am not going to condemn President Reagan's appointees as judges and President Bush's appointees as judges, or President Reagan or President Bush, because of a few aberrations, decisions about which I do not know all the facts and in connection with which I have not reviewed all the evidence. I would not do this and no one else should try, in a political year, to condemn President Clinton, who I must say has appointed some darned good men and women to the judiciary—just as President Bush appointed some darned good men and women to the judiciary, and President Reagan did, and President Carter did, and President Ford did. All of these Presidents have appointed judges on whom I had the opportunity to vote.

I have voted for some Republican nominees and against some. I voted for some Democratic nominees and against some. But that is where we get involved. We can vote for them or against them. But do not take some isolated incident and try to turn it into a Presidential election year thing.

If we did that, we could go to the notorious 911 murders in Detroit. One of the victims was shot repeatedly while frantically calling for police assistance. The entire episode was recorded by the 911 operator, and the defendant ultimately pleaded guilty to two counts of murder. Sixteen years after the fact, the convicted murderer filed his second habeas corpus petition claiming that comments made by the African-American State judge, several years after the case was over, somehow revealed bias against fellow African-Americans. Make sure you understand this. The defendant said that based on the comments made by the African-American judge 16 years after the case concluded the judge had expressed bias against African Americans. Most judges would just toss this out the window it is so far-fetched. But Judge David McKeague, a Bush appointee, granted relief and ordered resentencing. Fortunately, the prosecutor appealed and the decision was unanimously reversed.

The defendant in another case broke into his neighbor's home and brutally attacked four young children. Three children died from multiple skull fractures, and the fourth survived an apparent sexual assault. The defendant was convicted of murder and sentenced to death. Because the jury had not been presented with mitigating evidence concerning the childhood abuse and mental disorder the defendant allegedly suffered, Judge Sam Sparks, an appointee of President Bush, vacated the sentence. That decision, incidentally, was unanimously reversed on appeal.

Another defendant brutally murdered his ex-wife in the basement of her residence, stabbing her over 40 times. He was convicted by a jury of murder. Judge Thomas O'Neil, a Reagan appointee, reversed the conviction. That decision was unanimously reversed on appeal.

Does that mean that President Reagan was soft on crime? Of course not, even though obviously a number of his judges made decisions that I as a former prosecutor find very, very difficult to understand.

Just like Judge Huff, an appointee of President Bush, who sentenced a defendant to 2 years and 9 months in prison for smuggling illegal aliens into the country even though three of the illegal aliens died during the attempt. That is hard to understand. But I do not consider President Bush, whom I happen to know and admire, as being soft on crime because of that.

Judge Vaughn Walker, appointed by President Bush, publicly called for the legalization of drugs. He has repeatedly refused to abide by binding Supreme Court precedents, the sentencing guidelines, and mandatory minimum sentencing statutes based on his personal beliefs about the propriety of decriminalizing narcotics. The ninth circuit has frequently and summarily reversed him.

He has also issued a number of rulings that stymied efforts to prosecute drug traffickers. The U.S. attorney's office for the Northern District of California, which is headed by a U.S. attorney appointed by President Clinton, has found itself frustrated with the judge's rulings in major drug cases. In a case involving the seizure of 1,000 pounds of heroin—incidentally, the largest bust of heroin in U.S. history at the time—Judge Walker repeatedly dealt setbacks to prosecutors, including suppressing several key pieces of evidence and releasing two defendants on bail. In one of his suppression orders, he minimized heroin trafficking as little more than mercantile crimes. Two of these were reversed.

Does that mean that President Bush favored legalizing heroin or drugs? I doubt that very much—any more than I do. It is unfortunate that the Clinton appointee, the person that President Clinton appointed as U.S. attorney, who is trying to clean up drug trafficking and is trying to stop heroin trafficking, is frustrated by the judge appointed by the previous Republican administration. But I do not think it reflects the views of President Bush.

I think what is more accurately reflected is that a U.S. attorney can be replaced very easily. In fact, you have a tough U.S. attorney out there who really wants to prosecute drugs and who reflects President Clinton's views.

Chief Judge Richard Posner of the seventh circuit, is another appointee of President Reagan, who has similarly taken a public position advocating the legalization of drugs.

If I was cynical, which, fortunately, I am not, being from a small State like Vermont, I could come to the floor and make the case that Republican judges let off criminals on technicalities and that they are soft on crime. Some might even call for impeachment of the judges that made such decisions and took such positions. But in the recorded words of another Republican President, for whom I have a lot of affection, I say, That would be wrong.

As I said in my statement 2 weeks ago on this floor, no one should be making such statements or demagoging judges based on isolated decisions. We disserve our system of

justice, our system of government, and the American people when we engage in such rhetoric.

As anyone who is at all familiar with our criminal justice systems knows, in the overwhelming majority of cases, Federal judges, regardless of whether they were appointed by Republican Presidents or Democratic Presidents, uphold the law, and they do an excellent, if often difficult, job.

We have been fortunate, Mr. President, in this country that Presidents of both parties have appointed some of the finest men and women in this country as Federal judges. Those men and women have upheld the liberties of every one of us, no matter what our political party might be, no matter what our ideology might be, no matter whether we are wealthy or poor, and no matter what our backgrounds are.

We have been blessed in this country with very, very good Federal judges. We have had a few clunkers. Yes, we have a few clunkers. I probably appeared before some at one time or another. But the vast, vast majority of our Federal judges do a very difficult, very honorable, and a very good job.

The Presidents who appoint them ought to be praised for it. I think that it demeans the Office of the Presidency and it demeans the Federal judiciary and it demeans the Senate to make this some a political thing where we go after the incumbent President and claim that he is not doing a good job in appointing judges.

In fact, President Clinton's judicial appointees have won praise around the country as well qualified and centrist. That is why we have confirmed each of them—the Republican-controlled Senate has, and the Democratic-controlled Senate has. Each of them has had an exhaustive and intrusive examination before the Judiciary Committee, and each has been confirmed by this body. In fact, only 3 of the 185 lower Federal court judges who President Clinton appointed to the bench have even been the subject of contested votes.

We hear a lot of criticism now, but the distinguished majority leader and the chairman of the Judiciary Committee voted for 182 of the 185 judges now on the courts of appeals and districts courts appointed by President Clinton.

In fact, the Legal Times says of President Clinton's judges:

> From the beginning, his philosophy toward judicial selection has differed from that of his two immediate predecessors [who] engaged in a crusade to put committed conservatives on the bench. President Clinton's criteria, by contrast, seem less ideological. He has primarily sought two attributes in his judicial candidates—undisputed legal qualifications, and gender and ethnic diversity.

In a comprehensive report at the midpoint of President Clinton's first term, the New York Times reported:

> Political scientists, legal scholars and nonpartisan groups like the American Bar Association who have studied the new judges' records also said Mr. Clinton's choices were better qualified than those of Mr. Reagan or President George Bush.
>
> The new judges were deliberately chosen to fit squarely in the judicial mainstream and were, by and large, replacing liberal Democrats.

Everyone always talks about making the judicial selection process less political. Now election year politics threaten to bring political rhetoric about judges to the forefront. Let us not make judges or isolated decisions into political issues. Let us work together to increase respect for our system of justice and for those who serve within it.

Mr. President, I see my good friend from Tennessee in the Chamber and I know he seeks—I see both of my good friends from Tennessee in the Chamber. I know one or the other is going to want to talk. So I yield the floor.

CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. I thank the Chair.

Mr. President, the fundamental question of the debate on term limits to me can be put very simply. Are we as a nation better served by a system that encourages career politicians who over time grow entrenched in Washington and increasingly removed from the concerns of the very people who elected them or are we better served by an ever-changing legislative body of citizens who bring with them those vast experiences that color America, who have no political career to protect and who serve and then return home to live under the laws that they helped pass?

Next week, the Senate will get its chance to answer that fundamental question. I draw upon my own personal experiences. I came directly to the Senate a year and a half ago from the private sector. In fact, I contrast this very Chamber before us, with its rich history and its culture and its historical significance, with what I was doing 3 years ago, and that is moving every day and too many nights in an operating room.

It is that contrast, it is that perspective that colors much of what I have to say about term limits. I have never served in elective office, and I have had no previous ties to Washington, DC, or the Federal Government before coming to this body. I ran on the issue of term limits, and I pledged personally to serve no more than two terms. It is because I believe in that fundamental concept of the citizen legislator contributing in his or her own way based on his or her own past experiences to a citizen legislature.

That unique perspective on Washington encouraged me to promote not only the issue of term limits but to strongly support Senate Joint Resolution 21. I now, having been here a year and a half, feel even more strongly than 2 years ago when I was campaigning. Senate Joint Resolution 21, a constitutional amendment providing for term limits, serves as a stepping-stone down that long road—and we have a long road to go—to renew the citizens' respect, the citizens' faith, the citizens' trust in their Federal Government.

Too often, Members of Congress are forced in the current system to spend their time focusing on reelection, focusing on fundraising, watching the polls, instead of doing what we need to be doing, and that is doing what is best for the country. As a result, I truly feel that Washington has become much more of a 2-year town, focused on the short term rather than what it should be, a 20-year town with long-term thinking.

One need look no further than the recent debate over Medicare and entitlement reform to see how true this is. Because of the unrestrained growth of entitlements, our Nation faces a true fiscal disaster within 15 years, yet this past Congress has been unable to have a reasoned, meaningful debate on this most critical of issues. Why? Because of the political ramifications of taking on, of addressing middle-class entitlements. We missed a valuable opportunity to take real steps toward reducing the deficit, eventually reducing the debt and truly reining in entitlements.

I think it is time for us to pause a moment and ask a simple question. If Members of Congress had been freed in large part from reelection concerns, would politics have destroyed the debate that prevented us once again from addressing these fundamental problems? The answer to me is clear and the reason is obvious. As long as there are careers to protect, there will be politics to play almost by definition. The longer politicians stay in Washington, the more risk averse they become. They become more attached and more detached from that average citizen and they become more eager to spend the hard-earned dollars of America's taxpayers. The answer is this resolution before us today, Senate Joint Resolution 21.

What are the arguments against term limits? Many of my colleagues oppose term limits on the grounds that we should not alter the Constitution, and I think they have a point. As a conservative, I think we have to be very careful before we alter the Constitution in any way, and only in rare circumstances should this take place. In fact, the first bill that I introduced in the Senate was the Electoral Rights Enforcement Act of 1995, and it was a very simple statute that would have given the States additional authority to enact term limits on Members of their congressional delegation. Unfortunately, the U.S. Supreme Court's decision in U.S. Term Limits versus Thornton mooted that bill and made it clear that the only alternative, the only remaining course available to us is a constitutional amendment.

Others cloud the debate on issues as to whether or not the term limits will be retroactive or should be retroactive

or the technicalities or whether the real answer should be campaign finance reform. The American people are not going to be fooled. They understand. They have spoken loudly that they want term limits. Others will say that we have term limits at the ballot box; that we can always vote somebody out we do not like.

Once again, the American people recognize that you cannot vote someone out easily. In fact, the statistics are that about 90 percent of Senators running for reelection will win. And if you look at the election of 2 years ago, when a new revolution took place, there were 11 new Senators and only 1 of those defeated an incumbent, full U.S. Senator. The power of the incumbency is too strong. The answer is term limits.

Finally, some opponents will contend that term limits will rob Congress of experienced legislators who are necessary to the proper functioning of our Government. And, yes, experienced legislators who are good, who have contributed significantly will, after a period of time, have to leave this body. Yet, the second half of that is, are they absolutely necessary to the proper functioning of our Government? And I would argue no. If our Government is so complex and so complicated and so convoluted that only a full-time career politician, a class of politicians that is here to stay forever, can run it, that is not an argument against term limits; it is an argument for drastically changing the way our Government does business.

Mr. President, I have an interest in history. As the only physician in the U.S. Senate today, I have gone back to look at the number of physicians in the Senate over time. It has been fascinating. Over the last 100 years, there have been only eight physicians who served in the U.S. Senate. Over the period of 1800 to 1899, that 100-year period, in contrast to the 8 for the last 100 years, 37 physicians served in the U.S. Senate.

You can argue that is good or that is bad, I would say, not necessarily because they are physicians, but because they are another profession, not just another lawyer in this body but another profession. I would argue that is good; that is what the American people want. It represents America today.

It is interesting to look back at that period of 1800 to 1849. Mr. President, 23 physicians served in that period. If you look down the list, Dr. Bateman was a Senator for 3 years, Dr. Borland for 5 years, Dr. Campbell for 4 years, Dr. Harrison for 3 years, Dr. Kent for 4 years. The length of time these Senators served was short, was narrower.

Shall we argue they did not contribute in a substantial way in that period of time? I would argue absolutely not. You do not have to be here for 12 years or for 18 years or for 24 years to contribute.

As I look through this history of physicians in the U.S. Senate, it causes me to go back and reflect on that concept upon which this country was founded, and that is the citizen legislator, someone who comes from running a filling station, someone who comes from having a farm, someone who comes from the practice of medicine here for a period of time, from real jobs, after which they go back home and live under the laws that were passed.

In closing, Americans understand that Government truly works best when it is composed and comprised of citizens who have worked alongside them, who still consider themselves part of the communities from which they came. Yes, I truly feel that term limits will focus Members of Congress on the issues at hand rather than that next election, or that next fundraiser in preparation for that election. Members will not shy away from tough decisions. The doors of Congress will be thrown open with new ideas, innovative ideas, all brought to the table of citizen legislators.

Yes, I feel we need term limits. The question remains for our Senate colleagues, how long can we, will we, ignore the will of the American people?

Mr. President, I ask unanimous consent that the tally by half century of physicians in the Senate that I referred to earlier be printed in the RECORD, and I yield the floor.

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

''PHYSICIANS IN THE SENATE'' SPEECH TALLY BY HALF CENTURY

1750–1799: Bradford (1793–1797), Clayton (1798), Elmer (1789–1791), Latimer (1795–1801).

1800–1849: Bateman (1826–1829), Bibb (1813–1816), Borland (1848–1853), Campbell (1809–1813), Chambers (1825–1826), Condit (1803–1817), Harper (1826), Harrison (1825–1828), Hunter (1811–1821), Jones (1807), Kent (1833–1837), Leib (1809–1814), Linn (1833–1843), Logan (1801–1807) Mitchell (1804–1809), Morril (1817–1823), Naudain (1830–1836), Pinkney (1819–1822), Spence (1836–1840) Storer (1817–1819), Sturgeon (1840–1851), Tiffin (1807–1809), Ware (1821–1824).

1850–1899: Bates (1857–1859), Chilcott (1882–1883), Conover (1873–1879), Cowan (1861–1867), Deboe (1897–1903), Dennis (1873–1879), Fitch (1857–1861), Gallinger (1891–1918), Gwin (1850–1855, 1857–1861), Miller (1871), Mitchell (1861), Nourse (1857), Wade (1851–1869), Withers (1875–1881).

1900–1949: Ball (1903–1905, 1919–1925), Copeland (1923–1938), Ferris (1923–1928), France (1917–1923), Hatfield (1929–1935), Lane (1913–1917).

1950–present: Frist (1995–?), Gruening (1959–1969).

Total: 49 physicians in the Senate.

Note: Five Senators who overlapped half-centuries are listed only under the half-century when their first terms began.

Mr. GRAMS. Mr. President, I wanted to note I am a strong supporter of this term limits resolution, and I will engage in this debate again next week as well and plan to vote for this.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank my colleague, Senator FRIST, from Tennessee, because he made a very interesting point there, talking about the number of physicians who served in this body for the first 100 years. I think the number was 37. We were just talking about that. That was back when there were many fewer Members of the Senate. There were only 15 States by 1800 or so, so we only had about 30 Senators. Yet, a great number of them seem to have been physicians.

I think you can say that about a lot of other professions back then, too. As time has gone on, that number has diminished. We have fewer and fewer people who have done anything except be in politics. So, again, I think he is a good example of the citizen legislator.

He and I both came to the Senate together a little over a year ago, neither one of us having run for office before. We vowed, together, that we would do what we could to advance the concept of a citizen legislator and fight for term limits. As we said earlier, this is the first time in 49 years that we will have a vote on term limits in this body.

I would like to just very briefly respond to a couple of the comments that the Senator from Vermont made earlier about term limits. The opponents of term limits, of course, are a little bit between a rock and a hard place. They have a tremendous burden to overcome. One of those burdens is the fact that, as this chart indicates here, 75 percent of the people—according to Luntz Research Co.—75 percent of the people are in support of term limits and only 16 percent of the people oppose it. So, what many of the opponents have done is tried their best to talk Members here into not supporting the term-limits concept. In the process, they have personalized the debate.

They talk in terms of how it will affect this Member or how it will affect that Member or the majority leader's situation, the President pro tempore's situation, individual Members on both sides of the aisle. I think that points up a problem that we have in this body overall. It is a problem with this debate; that is, the personalizing of the debate, the personalizing of it. The point is that it does not matter how it affects individual Members. It does not matter that some Member might have served here for a long time and might be entitled to another two terms. What we are trying to do is fashion something that eventually has a chance of passing and becoming law. It is irrelevant as to what has gone on in the past. What is relevant is this country and what is relevant is this body as an institution as we go into the next century.

If you want to make the argument that this would lower the quality of this body, that this would hurt the United States, then that is, I think, a valid argument. But to argue that a person cannot support term limits because he has already been here for awhile, I think that is an invalid argument. That is an attempt to label people as hypocrites. So the opponents of term limits say this is not real term

limits. You have a proposition here that will allow two more terms, 12 years. That is going to be extremely difficult to get passed. It has taken 49 years to get another vote on it as it is.

So we say, let us have something reasonable, regardless of the past. The system has served us pretty well in the past. We balanced the budget up to 1967. Let us concentrate on the future—another 12 years. But opponents of term limits say, no, that is not good enough. Let us fashion something that we know is impossible of getting passed, like making it retroactive. That will be consistent. That will be nonhypocritical.

Perfection should not be the enemy of the good. The strategy is obvious on its face. The opponents of term limits are not interested in what they would call real term limits or genuine term limits. The opponents of term limits are interested in deflecting the debate from the future of this Nation onto individual Members and saying you cannot vote for term limits because you think that now we have dug ourselves into this hopeless ditch of debt, that you cannot vote for term limits for the future knowing it would be a few years before the ratification process would even have an opportunity to be completed. Then you have another 12 years. You cannot vote for that because you would be accused of being a hypocrite because you have been here for a while.

That is a part of the ''me'' generation, Mr. President. We criticize our kids for a lot of things and ourselves as part of the ''me'' generation—me, me, me, self-centered. The same thing is true with this body—totally, totally consumed with ourselves as individuals and how things will affect us.

Senator Jones here, we would have lost the benefit of his services if we had term limits. Well, there are millions of Mr. Joneses out there who might be Senator Joneses who might be better than Senator Jones. We have 250 million people in this country, and I do not even know what fraction of 1 percent have ever served in this body.

Are we so self-centered and conceited and blinded that we think that this fraction of 1 percent are the only people qualified because we spent a few years up here spending other people's money and regulating other people's lives that we have the only expertise in America that qualifies us to sit here?

Let us, as we go forward with this debate next week, not personalize this thing. Let us not personalize this debate. Let us not accuse people of being hypocrites. Let us not concentrate on the past. You can make an argument that in the past we did not need this. We fought two world wars, we went through a Great Depression, and we were always able to come back and balance the budget in short order. We balanced the budget up until 1969.

Recently things have gotten out of hand with the growth of Government and the growth of spending, the proliferation of interest groups and the pressures on this body, of the desire for constant reelection, never having the will to say no to anybody, but always wanting to say, ''Yes, you can have this. We can increase this program at 10 percent a year because we want your vote and we want your financial support and we want this system of professional politicians that we have always had.''

It has gotten us into a quagmire that our kids will find it hopeless to dig themselves out of. We are bankrupting this country in short order. We all know it, and it constitutes criminal negligence if we do not do what we can about it.

I have heard many, many times, and I heard again today, ''We have term limits; we have term limits, they are called elections.'' If you want to call the present system term limits, you are going to have to convince me that people have a decent shot at getting what they want from the present system, what they demand.

If you are talking about electoral politics, unless you are an incumbent, you are not going to have access to the money to even run. We have millions of citizens out there who would like to serve and have the opportunity to serve, but they know, with all of the advantages of incumbency and all of the money that incumbency brings in terms of contributions, why bother? Why bother?

They say, ''Well, there is a lot of turnover.'' That is for various reasons. Some people want to run for other offices; some people leave town one step ahead of the sheriff; some people want to go back and live in the real world. There are a lot of reasons for that. But the fact of the matter is, of those who want to stay, of those who run for reelection, about 90 percent still get reelected in the middle of all this turnover.

So, the question is not what the turnover rate is. It goes up and down. The question is, What is the motivation of the overwhelming majority of the people who serve? If they ultimately decide to leave for whatever reason, or even maybe within their term for whatever reason, that still does not answer the question, what was their motivation while they were there?

I firmly believe that if that motivation is, in large part, not totally, but in large part, simply staying and getting reelected and doing the things necessary to stay in office year in and year out, because the longer you stay the less touch you have with the real world and, in some cases, the less you feel like you will be able to do, and then age catches up with you perhaps and you become more and more desperate to stay and you are willing to do more and more things to stay—what is the motivation of those kind of people?

The motivation of those kind of people to point out that ''We cannot increase your program, madam, at 10 percent this year. We maybe could increase it 6 or 7 percent. But your check might be a little less than what you were expecting it to be from the Federal Government.'' That is dangerous. That is dangerous, and we need people in this body who are willing to risk a little danger. That is what we do not have, and that is what this is all about.

So as I say, next week we can get back on the central issue here: What is best going to equip this country to meet the challenges of the next century—as we, as sure as I am standing here, are bankrupting this country—not how it affects some individual Members. We will be lucky if we are remembered 24 hours after we leave. It does not have to do with that.

So with that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk relating to the committee substitute to Senate Joint Resolution 21.

The PRESIDING OFFICER. The clerk will report.

The bill 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 the committee substitute to Calendar No. 201, Senate Joint Resolution 21, a joint resolution proposing a constitutional amendment to limit Congressional terms:

Bob Dole, Fred Thompson, Spencer Abraham, Rod Grams, Mike DeWine, John Ashcroft, Craig Thomas, Jon Kyl, Trent Lott, John McCain, Slade Gorton, Rick Santorum, Bill Frist, Larry E. Craig, Paul Coverdell, Lauch Faircloth.

Mr. DOLE. Mr. President, I ask unanimous consent that the cloture vote occur at 2:15 p.m. on Tuesday, April 23, and the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask that there be a period for the transaction of routine morning business, not to extend beyond 4 p.m.

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

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Thursday, April 18, 1996, the Federal debt stood at $5,099,448,998,247.15.

On a per capita basis, every man, woman, and child in America owes

$19,267.75 as his or her share of that debt.

TRADE WITH JAPAN

Mr. THOMAS. Mr. President, as the chairman of the Subcommittee on East Asian and Pacific Affairs, I come to the floor today to discuss briefly an issue that causes me some concern.

I see from press reports and statements released by the White House that during his recent visit to Japan, President Clinton touted his successes vis-a-vis trade with Japan, claiming that his administration has steered that trade relationship in the most positive direction in years. These statements follow others President Clinton made last week stating that recent increases in automobile and automotive parts exported to Japan are the result of an auto trade agreement his administration signed with Japan last August.

Now, you'd think that after two recent articles in the Journal of Commerce and the Washington Post—entitled respectively ''More Auto Exports to Japan: Who Gets the Credit?'' and ''Clinton Claims on Auto Trade Disputed''—the President would have thought twice about taking credit for something that's going on anyway. Since the articles speak for themselves, I would ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follow:

MOVE AUTO EXPORTS TO JAPAN: WHO GETS THE CREDIT?

(By John Maggs)

WASHINGTON.—The closer one looks at the upturn in U.S. automotive exports to Japan, the tougher it gets to lay all the credit at the feet of President Clinton and his top trade negotiator Mickey Kantor.

President Clinton is expected to trumpet those trade results in a White House event today marking the first six months since last year's landmark U.S. Japan auto trade pact.

Claiming credit for that agreement is a small but significant piece of Mr. Clinton's re-election strategy, in which he will argue that his ''free and fair'' trade policy has created thousands of U.S. jobs.

As the center of that strategy, the Japan agreement mandates some of the biggest reforms Japan has ever undertaken to loosen formal and informal barriers to imports.

U.S. officials cite numerous regulatory changes they expect to yield results in additional imports. The trickier part is making the connection between these reforms and the statistics on auto trade that Mr. Clinton is expected to cite today.

The numbers are impressive. Exports to Japan by American and Japanese-owned auto factories in the United States were up 50% in 1995, and exports by Ford, Chrysler and General Motors alone are up 36% in the first two months of 1996.

U.S. auto parts exports to Japan—the real focus of the trade agreement—seem to be increasing steadily, although the rise in 1995 was smaller than the year before.

The U.S. parts-content of cars made at Japanse-owned ''transplant'' factories in the United States, meanwhile, increased 14% in 1995.

The problem is the sheer number of factors affecting the huge U.S.-Japan auto trade, including currency shifts—which made U.S. products much more competitive in 1995—and the lead time to design parts into Japanese models, a factor that makes higher import part levels more likely after 1998.

Among replacement parts, there is very encouraging anecdotal evidence of new retail outlets opening in Japan that will carry U.S. parts, but little evidence that this has yet had a trade effect.

Mr. Clinton will note that auto parts exports to Japan have increased 60% since 1992 but the growth rate is slowing.

CLINTON CLAIMS ON AUTO TRADE DISPUTED

(By Paul Blustein)

The hoopla is scheduled to start around 2 p.m. today at the White House. President Clinton will be there, as will representatives of the Big Three U.S. auto companies and the United Auto Workers. Three new American cars will be on display, with the steering wheels on the right-hand side—made to order for the Japanese market.

The purpose? To celebrate rising automobile and parts sales to Japan and make the claim—which critics call hype—that a major cause was an auto trade agreement that the administration negotiated with Tokyo last year.

The White House has marshaled some impressive-sounding statistics to make the accord look like a job-generating winner. An administration report due to be released today will highlight the fact that in the six months after the pact was signed last August, sales of U.S.-made General Motors Corp., Ford Motor Co. and Chrysler Corp. vehicles in Japan rose 33 percent over the same period a year earlier, according to people familiar with the report.

It also trumpets higher sales of U.S. auto parts to Japanese companies, citing an anticipated increase of 14 percent in the North American content of 1996 model vehicles at Japanese factories on this side of the Pacific.

But many experts question whether such recent increases can be attributed to an agreement reached just a few months ago. While the administration can reasonably claim it created new business opportunities in Japan's repair parts market, they say, most of the latest surge in sales of automotive products is part of a longer-term trend stemming from prior trade deals, the weakness of the U.S. dollar and other factors.

It's ''a notable achievement'' that U.S. auto parts are making inroads in Japan, said Marcus Noland, a Japan expert at the Institute for International Economics and former senior economist at Clinton's Council of Economic Advisers. But ''the administration is probably taking credit for something that's going on anyway.'' Other skeptics note that sales in Japan of European carmakers like AB Volvo and Volkswagen AG have risen at roughly the same sizzling pace over the past few months as those of the Big Three—without the benefit of a trade deal.

The upbeat nature of today's event will set the tone for Clinton's trip to Tokyo next week, which is shaping up as one of the friendliest U.S.-Japan summits in years as the two sides concentrate on shoring up their security alliance. While Clinton is expected to raise simmering trade disputes over film, computer chips and insurance, the administration is planning to try to focus attention on successes in other trade areas.

U.S. Trade Representative Mickey Kantor is fond of pointing out that U.S. exports to Japan soared 20 percent last year, to $64 billion, yielding the first decline since 1990 in the U.S.-Japan trade gap. But many economists ascribe Japan's rising appetite for foreign goods to the strength of the yen, which makes foreign goods cheaper to Japanese buyers, and market-opening measures adopted long ago, rather than to the 20 U.S.-Japan trade deals struck during the Clinton era.

But in an election year, the White House is eager to claim that its aggressive trade diplomacy is producing results. That's particularly true for the auto pact, which came after a high-stakes confrontation.

On one score, the accord has clearly helped generate business for U.S. firms. Tokyo's loosening of its rules concerning the parts used in required periodic auto repairs enabled Tenneco Automotive, among others, to strike a lucrative deal for distribution of its Monroe shock absorbers in Japan.

But can the administration claim that it is responsible for the sizable rise in sales of cars and components to Japanese consumers and factories? ''Whatever success you see today, the seeds were planted for that many years earlier,'' said a Bush administration trade official, who noted that Japanese auto companies typically choose their parts suppliers several years before a car model is produced.

Moreover, the pact has fallen short of administration hopes in one area—agreements by Japanese auto dealers to sell U.S. cars. When the deal was signed, Washington declared (without Tokyo's concurrence) that over the remainder of this decade, 200 dealers a year should sign up with GM, Ford or Chrysler. Only 30 have done so in the months since the accord was struck, although sources said yesterday that Chrysler may soon announce a deal for 60 or 70 more.

Mr. THOMAS. While I would agree that our Trade Representative Mickey Kantor has done an impressive job, not only in negotiations with Japan but with other countries as well, most notably China, but I would also agree with the vast majority of economic analysts who believe that most of the improving climate for American cars in Japan is due to natural market forces. For example, over the last year or so the yen has grown stronger compared with the dollar, making American goods cheaper in Japan. Matsushita Noriyuki, a senior economic analyst at the Nikko Research Centre, attributes increased sales of U.S. cars in his country primarily to the fact that the price of those cars has decreased. In addition, Matsushita points to major changes made by American car manufacturers to accommodate Japanese tastes and habits—such as increased attention to quality, right-hand steering wheels, and smaller model sizes—as a major factor in increased sales. More importantly, trade agreements struck before Mr. Clinton took office—under Republican administrations—are finally bearing fruit.

Mr. President, since 1992 we've grown used to a Clinton foreign policy that is an oxymoron, to a foreign policy that is reactive rather than proactive. We've grown used to a wide credibility gap between what Governor Clinton said as a candidate and what his actions are as President—I've spoken before on this floor about the irony of a President who accused George Bush of coddling China now doing more coddling of that country than President Bush could ever have been accused of.

We've grown used to President Clinton coopting as his own such Republican initiatives as the line-item veto, budget cutting, and calls for an end to the era of big government.

I guess that now, as the November elections approach, it should come as no surprise that we can now also look forward to President Clinton's rhetoric far outpacing his performance in the foreign policy arena and for him to increasingly take credit for the hard work of others.

VIOLENCE IN LEBANON

Mr. ABRAHAM. Mr. President, I rise today to express my deep concern regarding the most recent violence in Lebanon. I have immediately contacted the Clinton administration and urged them in the strongest possible terms to do everything in the power of the United States to cease the hostilities between Israel and Hezbollah in Lebanon. Many innocent civilian men, women, and children have been killed and there have been thousands of refugees who have been forced to flee their homes.

The Arab-American community, many who have family and friends in Lebanon, have communicated to me first-hand accounts of the recent violence and tragedy. The most disturbing fact is the great loss of civilian lives, especially the children. These deaths, no matter where they occur, are always tragic.

To help us immediately address the plight of these innocent victims, I have requested emergency assistance for the Lebanese civilians and refugees from the Department of State, the Agency for International Development, and the Department of Defense. The Lebanese are in need of food, medicine, water, emergency electric generators, beds, and other necessities. Mr. President, I am hopeful that my colleagues will support this request for aid and I am hopeful that this administration will use all of American's influence to cease the fighting in Lebanon immediately.

PRAISING THE LATE SENATOR EDMUND MUSKIE

Mr. CONRAD. Mr. President, the death of Ed Mudkie marks a deep personal loss for me, and a loss for our Nation. Senator Muskie was a close personal friend and leader in both the Senate and our national political scene. As a young man, I can remember my admiration for his integrity and dedication when I served as a midwestern State coordinator for his Presidential campaign in 1972. In the Senate he was the leader in urging creation of a Senate Budget Committee so the Chamber would have a committee with a board overview of the budget process. In this time of public concern over the Federal budget, it is important we remember that as the first chairman of the Budget Committee, Senator Muskie warned the Congress and the Nation of the need to balance our Federal budget to protect America's future. Those of us who serve on the committee today are still mindful of the foresight he showed, and are working to see that his legacy is fulfilled. Americans of this generation also owe a debt to the former Senator from Maine for his vision and his tireless efforts in awakening Congress and the Nation to the critical importance of enacting comprehensive laws to protect our Nation's environment for future generations. Our Nation owes him a deep debt of gratitude we can never repay.

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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 406. Resolution in tribute to Secretary of Commerce Ronald H. Brown and other Americans who lost their lives on April 3, 1996, while in service to their country on a mission to Bosnia.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1422. A bill to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge, and for other purposes (Rept. No. 104–255).

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. BUMPERS:

S. 1688. A bill to establish a National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 1689. A bill to provide regulatory fairness for crude oil producers, and to prohibit fee increases under the Hazardous Materials Transportation Act without the approval of Congress; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for Mr. NICKLES (for himself, Mr. INHOFE, Mr. DOLE, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN)):

S. Res. 249. A resolution expressing the sense of the Senate on the anniversary of the Oklahoma City bombing; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS:

S. 1688. A bill to establish a National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

THE NATIONAL RURAL LAW ENFORCEMENT ACT OF 1996

● Mr. BUMPERS. Mr. President, I am introducing the National Rural Law Enforcement Act of 1996. This bill is not very complicated. It establishes a National Center for Rural Law Enforcement, to provide rural police and sheriff departments with the training they need to meet the demands of modern rural law enforcement.

Consider a few facts and figures about rural crime and law enforcement:

One third of all Americans live in rural areas.

Ninety percent of the law enforcement agencies in our country serve populations of 25,000 or fewer citizens. Three quarters of those departments serve fewer than 10,000 citizens.

Crime in rural communities has risen more than 35 percent during the last decade.

The Criminal Justice Institute at the University of Arkansas at Little Rock

has been the headquarters of a movement by rural law enforcement administrators to fill the training void they face. The Institute has sponsored a number of conferences in five regions around the country to identify the training needs of rural law enforcement and prescribe measures to meet those needs. This bill is a response to their efforts and the needs they have documented and described.

The National Center for Rural Law Enforcement will: Provide rural law enforcement managers training tailored to rural law enforcement needs; provide research and technical assistance to rural law enforcement agencies; provide a communications network linking rural agency heads around the country, develop curriculum tailored to the needs of rural law enforcement officers; articulate the viewpoint of rural law enforcement professionals; and project its training capability to sites in communities all over the United States.

Every Senator represents rural communities. As we travel our States, we hear time and again about sophisticated and vicious crime in small rural communities, the sort of crime we used to believe was found only in big cities. The National Center for Rural Law Enforcement will help to equip rural law enforcement professionals to deal with those problems in the most effective manner, with the same tools their urban colleagues enjoy.

The NCRLE will enjoy the participation and input of the FBI and the Justice Department and some Federal funding, but its heart and soul will be the State and local law enforcement officers of rural America. It represents the kind of Federal State local cooperation that is so vital today. I hope that arrangement, along with the obvious need for a National Center for Rural Law Enforcement, will bring bipartisan support for this bill. The National Center for Rural Law Enforcement is necessary. It will meet a vital need for rural America, at low cost in the context of a true Federal partnership. I urge my colleagues to cosponsor the National Rural Law Enforcement Act of 1996. ●

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 1689. A bill to provide regulatory fairness for crude oil producers, and to prohibit fee increases under the Hazardous Materials Transportation Act without the approval of Congress; to the Committee on Commerce, Science, and Transportation.

THE CRUDE OIL TRANSPORTATION FAIRNESS ACT OF 1996

Mr. GRAMM. Mr. President, I rise to introduce legislation to remove an onerous and, I believe, unintended regulatory burden from independent oil and gas producers. The Crude Oil Transportation Fairness Act of 1996 would exempt oil and gas producers who do not transport crude oil themselves from the registration and fee requirements of the Hazardous Materials Transportation Act. Those who actually transport crude oil would continue to register and pay fees as under current law. Also, the bill removes the Secretary of Transportation's unilateral authority under current law to raise these fees on transporters. My colleague from Texas, Senator HUTCHISON, has joined me in introducing this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD, and that letters of support from the Independent Petroleum Association of America and the Texas Independent Producers and Royalty Owners Association also appear in the RECORD.

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

S. 1689

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crude Oil Transportation Fairness Act of 1996''.

SEC. 2. REGULATORY FAIRNESS FOR CRUDE OIL PRODUCERS.

Section 5108(a) of title 49, United States Code, is amended by adding at the end the following:

''(5)(A) Notwithstanding any other provision of law, a person who offers crude oil or condensates for transport in commerce shall not be required to file a registration statement or pay a fee otherwise required under this section if that person transfers title to the crude oil or condensates to a transporter at the time that the crude oil or condensates are initially transported in commerce from a storage location by the transporter.

''(B) Subparagraph (A) does not apply to any person who transports crude oil in commerce in a quantity that is subject to the requirement of this section.''.

SEC. 3. PROHIBITION OF FEE INCREASES WITHOUT THE APPROVAL OF CONGRESS

Section 5108(g)(2)(A) of title 49, United States Code, is amended in the second sentence, by striking ''at least $250 but not more than $5,000'' and inserting ''not more than $250''.

INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA,
Washington, DC, March 27, 1996.

Hon. PHIL GRAMM,
U.S. Senate, 370 Senate Russell Office Building, Washington, DC.

Re Crude Oil Transportation Fairness Act of 1996

DEAR SENATOR GRAMM: The Independent Petroleum Association of America (IPAA) strongly supports The Crude Oil Transportation Fairness Act of 1996 and appreciate your efforts on behalf of independent oil and natural gas producers. As you know, IPAA represents approximately 5,500 independent oil and natural gas producers in 33 states. The regulatory problem which is addressed in the proposed legislation has been particularly onerous for our membership as they are primarily small businesses with less than 20 employees that can not afford the annual fee assessed under this program.

The Hazardous Materials Transportation Registration and Fee Assessment Program, which was implemented under the Hazardous Materials Transportation Uniform Safety Act of 1990, requires registration for persons engaged in transporting or offering for transportation certain categories and quantities of hazardous materials in intrastate, interstate, and foreign commerce. Persons subject to the registration program are required to annually file a registration statement with DOT and pay a total annual fee of $300. Last year, DOT unsuccessfully proposed a graduated filing fee that would in many cases raise the registration fee to $5050.

After a major educational effort led by IPAA, with strong congressional support, the proposal was defeated. However, even at the $300 per year level, IPAA has strongly opposed the inclusion of persons who ''offered for transportation'' in the registration program as both burdensome and unnecessary. Crude oil producers sell their oil to purchasers who take possession of it on the lease directly from the crude oil storage tank. The purchaser owns the crude oil before it ever reaches a public road. While the oil is in the storage tank the facility owner is subject to numerous state and federal safety requirements.

At a time when our domestic oil production has fallen to its lowest point in 40 years, and over 500,000 jobs in the industry have been lost in the last decade, we cannot continue to penalize domestic producers. The current financial state of the domestic oil and gas industry is illustrated by the following indicators:

Jobs. Since the early 1980s, oil and gas employment has been cut in half. Employment in the industry through 1996 stood at 305,100 employees compared to 332,800 in 1995. There has been a loss of 9500 employees since 1995 and nearly 500,000 since 1985.

Crude Oil Production. Crude oil production in 1995 fell to an estimated 6.5 MMb/d, compared to 6.7 MMb/d during 1994, representing a 200,000 b/d decrease. Crude oil production in the lower 48 states has fallen to 5 MMb/d, the lowest level since 1946.

Rotary Rig Activity. In 1995, the rotary rig count averaged 723 rotary rigs for the United States, a decrease of 52 rigs from 1994. This is the second lowest rig count since World War II. Forty-five percent of the rigs were drilling for oil, 53 percent for gas and 2 percent miscellaneous.

Well Completions. In 1995, total well completions totaled 19,756, with 8,114 wells completed for the production of natural gas, 6,917 wells completed for the production of crude oil and 4,725 dry holes. There were 2,037 fewer completions in 1995 than 1994. In 1985, 70,806 wells were completed, a 72% decline in 10 years.

In conclusion, IPAA strongly supports the Crude Oil Transportation Fairness Act which will have the effect of eliminating the DOT Hazardous Materials Transportation fee for individuals and companies that only offer for sale, but do not transport crude oil or condensates.

Thank you again for your legislative leadership in this area.

Sincerely,

DENISE A. BODE,
President.

TEXAS INDEPENDENT PRODUCERS & ROYALTY OWNERS ASSOCIATION,
Austin TX, March 27, 1996.

Hon. PHIL GRAMM,
U.S. Senate, 370 Russell Building, Washington, DC.

DEAR SENATOR GRAMM: On behalf of Texas independent oil and gas producers, I wish to thank you for introducing the ''Crude Oil Transportation Fairness Act of 1996.'' As you know, this bill is badly needed to ensure that another unnecessary, onerous regulation does not play a role in the demise of the small independent oil and gas producer.

Your bill will ensure that the regulation is properly applied to those who transport crude and not those who only sell it. Some of our members are also transporters and

should be paying this fee, but far more are producers who produce crude and sell it at the lease. Those producers have unfortunately been required to pay this transporter fee needlessly. Soon after the program began, we narrowly defeated an effort by the Department of Transportation to increase the annual fee of $5,050—which in many cases is more than the annual revenue from a single well.

Your bill appropriately places the responsibility on crude transporters. We appreciate your interest in correcting this regulation.

Sincerely,

REX H. WHITE, JR.,
President.

ADDITIONAL COSPONSORS

S. 800

At the request of Mr. COCHRAN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 800, a bill to provide for hearing care services by audiologists to Federal civilian employees.

S. 1578

At the request of Mr. FRIST, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1578, a bill to amend the Individuals With Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUYE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that the George Washington University is important to the Nation and urging that the importance of the university be recognized and celebrated through regular ceremonies.

SENATE RESOLUTION 248

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Resolution 248, a resolution relating to the violence in Liberia.

SENATE RESOLUTION 249—EXPRESSING THE SENSE OF THE SENATE ON THE ANNIVERSARY OF THE OKLAHOMA CITY BOMBING

Mr. DOLE (for Mr. NICKLES (for himself, Mr. INHOFE, Mr. DOLE, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN)) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas, on Wednesday, April 19, 1995, at 9:02 a.m. central daylight time, a bomb exploded at the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, collapsing the north face of this nine-story building, killing 168 men, women, and children and injuring scores of other innocent victims;

Whereas today, Friday, April 19, 1996, marks the one-year anniversary of this tragic event which is without equal in our nation's history;

Whereas, in the words of the Reverend Billy Graham to the families and survivors, ''Someday the wounds will heal, and someday those who thought they could sow chaos and discord will be brought to justice. The wounds of this tragedy are deep, but the courage and the faith and determination of the people of Oklahoma City are even deeper'';

Whereas this was the deadliest terrorist attack ever on U.S. soil; and

Whereas the United States Senate passed by an overwhelming margin the Comprehensive Terrorism Prevention Act on Wednesday, April 17, 1996; Now therefore be it

Resolved, That the Senate of the United States:

Observes a moment of silence at 9:02 a.m. Central Daylight Time in remembrance of the innocent children and adults who lost their lives or were injured in this heinous attack one year ago;

Remembers the families, friends, and loved ones of those whose lives were taken away by this abhorrent act;

Salutes the people of Oklahoma for the courage, faith and determination they have exhibited throughout the past year;

Commends the rescuers, federal agencies and countless volunteers who gave of themselves and their resources to provide aid and relief;

Commends the federal employees from across the nation who came to the aid of their co-workers during this crisis; and

Reaffirms its trust in our system of justice to ensure that the perpetrators of this heinous crime be convicted and appropriately punished so that justice may be served and carried out swiftly.

AMENDMENTS SUBMITTED

CONGRESSIONAL TERMS LIMIT CONSTITUTIONAL AMENDMENT

ASHCROFT AMENDMENT NO. 3692

Mr. THOMPSON (for Mr. ASHCROFT) proposed an amendment to the joint resolution (S.J. Res. 21) proposing a constitutional amendment to limit congressional terms; as follows:

In lieu of the matter proposed to be inserted, insert the following: ''*(two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

BROWN AMENDMENT NO. 3693

Mr. THOMPSON (for Mr. BROWN) proposed an amendment to amendment No. 3692 proposed by Mr. ASHCROFT to the joint resolution (S.J. Res. 21) supra; as follows:

In lieu of the matter proposed to be inserted, insert the following: ''(*two-thirds of each House concurring therein*), That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

ASHCROFT AMENDMENT NO. 3694

Mr. THOMPSON (for Mr. ASHCROFT) proposed an amendment to the joint resolution (S.J. Res. 21) supra; as follows:

In the language proposed to be inserted, strike all after the first word and insert the following: ''*of each House concurring therein*), That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall

subsequently be elected as a Representative more than twice.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

BROWN AMENDMENT NO. 3695

Mr. THOMPSON (for Mr. BROWN) proposed an amendment to amendment No. 3694 proposed by Mr. ASHCROFT to the joint resolution (S.J. Res. 21) supra; as follows:

In lieu of the matter proposed to be inserted, insert the following: ''*of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE—

SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

THOMPSON AMENDMENT NO. 3696

Mr. THOMPSON proposed an amendment to the joint resolution (S.J. Res. 21) supra; as follows:

Strike all after the first word and insert the following: ''*of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than six times; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than five times.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''SECTION 3. No election or service occurring before ratification of this article shall be taken into account when determining eligibility for election under section 1.''.

BROWN AMENDMENT NO. 3697

Mr. THOMPSON (for Mr. BROWN) proposed an amendment to amendment No. 3696 proposed by Mr. THOMPSON to the joint resolution (S.J. Res. 21) supra; as follows:

In lieu of the matter proposed to be inserted, insert the following: ''*of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

ASHCROFT AMENDMENT NO. 3698

Mr. THOMPSON (for Mr. ASHCROFT) proposed an amendment to the motion to recommit proposed by Mr. THOMPSON to the joint resolution (S.J. Res. 21) supra; as follows:

In lieu of the proposed instructions, insert the following: with instructions to report the resolution back to the Senate forthwith with an amendment as follows: ''*(two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. After this article becomes operative, no person shall be elected to a full term as a Senator more than twice, or to a full term as a Representative more than thrice; no person who has been a Senator for more than three years of a term to which some other person was elected shall subsequently be elected as a Senator more than once; and no person who has been a Representative for more than a year of a term to which some other person was elected shall subsequently be elected as a Representative more than twice.

''SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

BROWN AMENDMENT NO. 3699

Mr. THOMPSON (for Mr. BROWN) proposed an amendment to amendment No. 3698 proposed by Mr. ASHCROFT to the joint resolution (S.J. Res. 21) supra; as follows:

In lieu of the proposed instructions, insert the following: with instructions to report the resolution back to the Senate forthwith with an amendment as follows: ''*(two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to conduct three consecutive hearings during the session of the Senate on Wednesday, April 17, Thursday, April 18, and Friday, April 19, 1996, on the President's Budget Request for fiscal year 1997 for Indian programs and related budgetary issues from fiscal year 1996. The hearings will be held at 1:30 p.m. each day in room 485 of the Russell Senate Office Building.

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

ADDITIONAL STATEMENTS

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

OKLAHOMA CITY BOMBING

• Mr. INHOFE. Mr. President, as we commemorate the 1 year anniversary of the horrific bombing of the Murrah Federal Building in Oklahoma City, I would like to share with my colleagues excerpts from poem written by S.L. (Spud) Beckes the day after the bombing.

April 19th, of 95;
A day Oklahoma and the world
will remember, for the rest of their lives;
It's nine a.m. and most is calm;
Then comes nine-0-two and straight from hell
comes devastation in the form of a bomb;
Quickly, we turn to the TV, we see panic and fear,
we see death and destruction and for some, death grows near,
Death and destruction by terrorist, how can this be;
it's just not heard of in OKC;
We listen close, as the body count grows;
then we realize ''Oh my God'' that can't be, that's someone I know;
Then comes the helplessness, from within;
because, we realize there's nothing to justify this act, that cost us relatives and friends;
We ask ourselves, ''Why Oklahoma'' but if
we stop and think, the answer is simple;
the actions of the hunter, is to kill not cripple;
The hunter, goes for the heart and the rest of the body falls;
but the cowards, that hit the heart of the United States, did
not know, how strong faith in Oklahomans can be and this
they did not anticipate;
Oklahoma is not only, the heart of America, it is the backbone;
and our pride in faith will show the world, even in tragedy,
we will hold our head up, trust in god and walk tall;
We think of the loss, Men, Women and Children, and ask the Lord ''Why'';
We try to be strong at first but it's too much, we are but man, so for most,
We bow our head and cry; but when the tears stop and our eyes clear;
Nothing on this earth can stop an American, and even in tradegy, we will show the world, there is nothing to fear;

''We'' are a proud Country, the best on the planet; and from our childhood,
to our death, our pride in faith, become part of us and this we never regret;
So for the good of the world, I say this;
''Be with God, fear not the evil from Hell, for hell has not the courage,
the pride, the body or the heart of an American, and this day,
today, the world and Oklahoma will never forget;
''God Bless America''

By S.L. (Spud) Beckes, The Oklahoma Poet.●

STATEMENT ON LIBERIA

● Mr. FEINGOLD. Mr. President, as the United States military winds up its spectacularly successful evacuation of over 1,795 people from Liberia, I rise today to pay tribute both to our 214 soldiers who conducted this very difficult mission, and to the United States personnel, led by Chargé D'Affaires Bill Mylam, who are working under dire circumstances to try to bring some stability to Liberia. These people have undertaken magnificent and courageous endeavors, endeavors of which the American people should be very proud.

Today I also want to focus on the challenge that must be faced in dealing with this unfortunate turn of events in West Africa.

After a few months of guarded optimism that there might be peace in Liberia, it appears that this woeful country is once again on the brink of collapse. Looting and fighting have overtaken the capital, halting implementation of the Abuja Accords, suspending humanitarian operations and limiting food and water supplies. In addition to the 1 million-odd refugees around Liberia, 60,000 people have been newly displaced in Monrovia, and 15 to 20,000 Liberians are crowded into the Barclay's Training Center [BTC], seeking protection from tribal warfare. After United States evacuation efforts, only 19 Americans remain in Liberia in an official capacity, and humanitarian efforts are endangered. The prospects look bleak, but our resolve to contain the fighting and disintegration must remain steadfast. We have so few alternatives.

Since September 1995 when the Abuja Accords were signed by all the warring factions, the United States, along with other interested members of the international community, has tried to help implement them. The primary tasks were deploying West African peacekeeping forces through ECOMOG throughout the country, militarily disengaging and disarming the factions, and quickly investing in an economy that had virtually nothing to offer the citizens of Liberia.

Mr. President, this has not been overly successful. While thee have been many false hopes in Liberia, Abuja represented a reasonable plan, but only if each phase of that plan was fully met. It has not been—not by the Liberian factions, not by the international community, and not by the United States.

ECOMOG has never been strong enough to help create an atmosphere of stability needed for peace to survive. Nigerian elements have remained dominant in ECOMOG, while new forces—such as a Ghanaian battalion that had previously succeeded at peacekeeping missions—have not been funded. This is a failing of the international community, including the United States, that had pledged to support the Abuja Accords. At the pledging conference, the United States committed $10 million for ECOMOG—a small sum for peace in any case. We have only delivered $5.5 million of that.

Mr. President, strengthening ECOMOG to help it carry out its mission is a commitment the United States made, correctly, to help prevent an explosion like the current one in Monrovia from occurring. But the fact that we barely delivered on our commitment has been damaging to the peace process. Two months ago, Senator KASSEBAUM and I made a proposal to transfer $20 million from democracy programs at AID to help fund a new battalion for ECOMOG. An unusual source of funding, perhaps, but indicative of the high priority we placed on the funding of ECOMOG, and a statement that ECOMOG is part of our development efforts in West Africa. The administration opposed this particular transfer, but promised to work to come up with other sources of funding for ECOMOG. Not only did the administration not find the money, but it also did little in this time frame to solicit contributions from others. Crises like these demand creative responses, so I would propose we take a hard look at other programs for this purpose. Strong cases can be made that Liberia is relevant to both these accounts. I will work with the administration to continue to look for resources which we can redirect to this cause.

In theory I support the proposals I have heard about on the table today to extend communications and other logistical support and training to new battalions for ECOMOG, but I can't resist asking why the administration didn't focus on this earlier? Why did it take massive looting and displacement in Monrovia to solicit this response? And if the fighting lulls, will the interest in Liberia be sustained long enough to actually realize a support package for the Abuja Accords? I will be anxious to see what plan the European Command submits to the United States at the end of this week, and, if appropriate, will do what I can to assist the administration in making these plans operational.

While I understand and sympathize with the tight budgets under which the administration must live, this is symptomatic of a larger trend to resistance to reinvent U.S. activities in the realm of peacemaking that I see. For example, at the time of the Abuja Accords, the United States pledged $75 million to help implement the peace process; $10 million of that was for ECOMOG, and $65 million for humanitarian assistance. I fully support emergency aid, Mr. President, but I think it is shortsighted—and perhaps even becomes as self-fulfilling prophecy—when we under-finance peace and development efforts, because we are invested in humanitarian funding. In Liberia, it is to some degree a chicken-and-egg scenario, given the destruction and desperation in the country. However, this should not deter us from investing in creation of an infrastructure for peace and development. As we ignore development needs, we only increase the potential for violent outbreaks, which, in turn, as we saw in Bosnia and Rwanda, could lead to the use of United States troops. While I understand that the use of United States military in Liberia is quite unlikely, if we do not invest in the peace process and in Liberia's development, we could very well face calls for United States military engagement, which in my view would be tragic and unwise.

Regional peacekeeping is a peace and development idea worth investing in, Mr. President. In a post-cold-war era, as we restructure U.S. and U.N. doctrines for the use of force, it will become inevitable that regional forces, in most cases, will be the best deterrent early on to contain the spread of violence and instability. If the international community ignores, or does not work to strengthen, these organizations then it will all too often lead to pressure for the deployment of foreign—and in some cases American—troops. Bosnia is a prime example: for several years we tried to work with the Europeans to address effectively the Balkan war. But when it was clear the Europeans had completely failed, for a variety of reasons, it was U.S. troops that stepped in to fill the vacuum and lead the way to a peace implementation force. I still disagree with the decision to deploy United States troops in Bosnia, and I see the potential for calls for a similar path in Liberia if we do not support ECOMOG at this important juncture.

Another serious failure of Abuja has been the process of disarmament. Under Abuja, all parties were to disengage and disarm completely by February of this year. Of course, without any economic alternative other than soldiering, or any hope of protecting themselves without their weapons, most Liberians did not disarm. The lack of logistical support also made it difficult for ECOMOG to deploy to supervise the disarmament. Then, factions such as Charles Taylor's NPFL placed conditions on disarmament—in effect, reopening the delicate Abuja Accord. Another problem in the disarmament effort has been the last of effort by Liberia's neighbors—namely Burkina Faso, Cote D'Ivoire, and Guinea—in halting the arms—on both the black and gray markets—that cross their borders into Liberia.

Mr. President, this is an issue we should take quite seriously. I have

raised the issue directly with parties involved in public and private, and am aware that high-ranking administration officials have done the same. Yet even as Abuja had its most reasonable chance to succeed, arms have flowed to the parties each country it favors. I will work to finally activate the U.N. Commission that was created after the U.N. arms embargo was imposed against Liberia, and establish sanctions for those flaunting the international embargo. I will also submit that if this practice continues, the United States consider sanctions of its own against those working to undermine the Abuja Accords. At a minimum, we should revive the sanctions against individuals working against democratization efforts that were lifted when Abuja was concluded.

At this point, I request that an op-ed in yesterdays' New York Times by Jeffery Goldburg be printed in the RECORD. I do not agree with all the conclusions it draws, particularly the proposal that the preferable course of action is to have U.S. marines occupy Monrovia. However, I do recommend the article as a cogent analysis of what went wrong, and what the United States can try to do the repair the Abuja process.

The article follows:

[From the New York Times, Apr. 15, 1996]

LIFTING LIBERIA OUT OF CHAOS

(By Jeffrey Goldberg)

George Boley stood in a clearing deep in a Liberian rain forest and said that he was misunderstood. ''I am not a warlord,'' he told me in late 1994. ''I don't know why they use this term to describe me.''

Behind the self-styled chairman of the wildly misnamed Liberian Peace Council stood 80 soldiers. Most were teen-agers, some were as young as 9. All were armed, many were drunk. ''These are professional fighting men,'' he said, without irony.

Mr. Boley, who holds a Ph.D. in educational administration from the University of Akron, is most assuredly a warlord, as are the other Liberian faction leaders who last week drove their country back into chaos.

Fighting in the capital, Monrovia, has killed untold numbers. United States troops have evacuated more than 1,600 Americans and other foreigners. But the United States must take stronger action to restore peace—and it can do so without endangering American troops.

The civil war began in 1989 when Charles Taylor, the warlord of the National Patriotic Front of Liberia, invaded from neighboring Ivory Coast. The next year, Liberia's dictator, Master Sgt. Samuel Doe, was killed, setting off six years of gang warfare among several factions.

A peace accord struck in Abuja, Nigeria, last August was supposed to end the war. It handed Monrovia over to the warlords, who agreed to share power peacefully. But they never came through on their pledge to disarm their supporters.

So it was inevitable that violence would erupt this month after Mr. Taylor sent his men to arrest a rival, Roosevelt Johnson, on murder charges. Mr. Johnson's faction has indeed murdered civilians. But Mr. Taylor's fighters have also indiscriminately killed civilians, including five American nuns in 1992.

The fault for this new spasm of violence rests mostly with the warlords, of course. But the United States is also to blame. Last year, it missed a chance to adequately finance a disarmament effort by the United Nations and West African Peacekeeping Force, which has been in Liberia since 1990.

The peacekeeping force—with soldiers from nine countries—successfully defended Monrovia from a 1992 attack by Charles Taylor's faction. But it is now demoralized, cashstrapped and undermanned. Its ground forces, once at 12,000, are down to 5,000 or so poorly equipped men. Their commanders are for the most part Nigerian Army generals and are widely considered corrupt.

For Liberia, the best scenario would have United States Marines occupying Monrovia. But with Somalia still fresh on Americans' minds, this is probably not politically feasible. Still, a strong West African force of about 15,000 men could disarm the ragtag factions and weaken the warlords. This would take American cash and equipment—from ammunition and food to armored vehicles and helicopters. The United States would also have to send military trainers and communications equipment to Ghana and other willing and capable West African nations.

All this would cost more than $20 million. But over the past six years, Washington has poured almost half a billion dollars of humanitarian aid into the country, not including the cost of the current evacuation—the third such operation since 1989.

America has a special responsibility to Liberia, founded in 1847 by freed American slaves. Liberia was also an American ally in the cold war, and $500 million in American aid propped up the brutal Doe regime.

The only way to end the terror of the warlords is to take their guns away. If Washington helps West African troops do so, not a single American soldier would be endangered. And it would ultimately cost less than airlifting Americans out of Monrovia every time the city explodes.

Mr. FEINGOLD. Situations like Liberia—and indeed other conflicts that have not been resolved by post-cold-war politics—demand creative responses by the international community. Liberia poses challenges that do not fall under the traditional definitions of United States national security, but they do include threats to our well-being and national interests. For instance, as Liberian refugees spill over into Guinea, the stresses on some of the last remaining tropical rainforest in West Africa become untenable, and the rainforest shrinks, causing shortages of resources, food, and medicine. Large concentrations on refugees and displaced persons also heighten potential for outbreaks of disease. One case of Ebola or typhoid in a refugee camp, and we have a humanitarian disaster that can spread anywhere in just a plane ride.

Unfortunately, our option is not to pull out of Liberia and wash our hands of the problem: because of regional ramifications and threats of disease and environmental degradation, the issue is whether we meet the challenge of Liberia, or invest more after more destruction in the tragedies that would unravel in Sierra Leone, Guinea, Cote D'Ivoire, Burkina Faso, Ghana, and perhaps elsewhere in West Africa. So, Mr. President, we don't really have a choice: the problem is maintaining stability in West Africa, whether we call it Liberia or Burkina.

For these reasons, yesterday I introduced a resolution, Senate Resolution 248 with Senators KASSEBAUM, SIMON, LEAHY, JEFFORDS, and PELL, declaring the breakdown of the Abuja process would have serious ramifications for United States interests in Liberia and throughout West Africa, and urging the administration to consider a number of steps. These include scrutinizing the budget to find funding for ECOMOG; this is key. We also suggest considering the provision of excess defense articles for communications and logistical support for troops willing to participate in ECOMOG. The resolution also urges the administration to use its influence with other governments to solicit interest in ECOMOG, and finally, it calls on the administration to lead U.N. efforts to establish finally a committee to enforce the U.N. arms embargo against Liberia. These are all suggestions that the administration should consider, and it is not an exhaustive list. The point is, we need decisive and creative action in Liberia—and part of that must be real support for the west African peacekeeping force.

So, once again I applaud the work of our diplomatic and military forces in Liberia today, and compliment the administration on its efforts to help calm the situation. At the same time, I urge them to focus fully on Liberia—not just to quell the current tensions, but invest in trying to prevent them from erupting again.

I also want to express our gratitude to Ghana's President Jerry Rawlings and his senior diplomatic team which has worked tirelessly and somewhat successfully to negotiate a ceasefire. Other ECOWAS states, particularly Cote D'Ivoire, have been very helpful in trying to reach the same goal. We also owe a debt of gratitude to Sierra Leone for making Freetown available as a transit point for those evacuated. While multilateral efforts may have failed to this point in Liberia, with each step—as painful as it is—the United States, ECOWAS, and the rest of the international community seem to be strengthening their abilities. We must learn from the past and look creatively to the future: we have no choice, unless we are willing to confront what could be even bigger disasters in the near future.●

HEALTH CARE

● Mr. GORTON. Mr. President, yesterday the U.S. Senate moved in a positive direction in reforming our Nation's health care system. S. 1028, a bill narrow in scope that builds upon and strengthens the current private market system, moved one step closer to becoming law.

During yesterday's debate, the merits of including medical savings accounts in the legislation were discussed at great length. I believe MSA's are a good idea. MSA's give people control over their health care dollars and encourage them to make their own decisions about health care benefits. They preserve medical freedom and provide plenty of incentives for cost control.

Choice is the keystone of MSA's. As many of my colleagues have pointed out, with MSA's people can choose their physician, their hospital, their health care plan. Additionally, MSA's will bring about lower health care spending. Consumers will become more savvy about their health care options, and certainly the system will benefit as a result.

The problem, Mr. President, is that it was absolutely clear that including an MSA provision would derail the entire bill and a real opportunity to enact meaningful health care reform would be lost. If the legislation had included that provision, my Democratic colleagues indicated they would filibuster the bill and the President indicated he would veto the entire measure. In short, this targeted, commonsense bill would have been killed.

I am dedicated to the passage of health care reform and I do not want a good bill to be sacrificed for one provision, however worthy that provision may be. It was for this reason that I did not support the inclusion of MSA's in the final bill, and it's also the reason this MSA effort failed.

Yes, Mr. President, medical savings accounts are a good idea. Although S. 1028 was not the right vehicle, I will look for other opportunities to promote and encourage them.●

TRIBUTE TO THE CADDO MAGNET ORCHESTRA

● Mr. JOHNSTON. Mr. President, I rise today to pay tribute to an exceptional group of students from my hometown of Shreveport, LA. The Caddo Magnet Orchestra, combined of 103 high school and middle school students from Caddo Parish in northwestern Louisiana, has for years been recognized as one of the most outstanding student orchestras in our State. Since its inception in 1980, the orchestra has consistently received superior performance ratings in all regional and State competitions and has won several prestigious awards from music festivals around the Nation. In light of its impressive reputation, this year the orchestra was invited to perform at Carnegie Hall, a rare privilege offered to very few young performers.

After many months of intensive rehearsal and fundraising, the Caddo Magnet Orchestra traveled to New York City last month for its March 24 Carnegie Hall debut, where its performance was met by a standing ovation from the 1,000 audience members in attendance. The evening's performance, consisting of pieces by English composers Gustav Holst, John Ireland, Edward Elgar and John Rutter, was flawless and has earned this orchestra national recognition.

Louisiana is enormously proud of these outstanding young people, not only for their individual talents, but also for their overall commitment to excellence and their spirit of community. The students worked together to make beautiful music, and the harmony they created represents all that can be achieved when we put forth our best efforts to reach a common goal. This is citizenship at its finest.

The members of the orchestra have represented the State of Louisiana with great distinction. I congratulate these musicians and their director, Ms. Johnette Parker, as well as the parents and faculty of Caddo Magnet High School and Caddo Middle Magnet School for their marvelous collective effort in reaching this pinnacle and for setting an example of excellence from which we all can benefit.●

TRIBUTE TO JUDI BAYLY AND HER IRISH SETTER, LYRIC

● Mr. SMITH. Mr. President, I rise today to congratulate a Nashua, NH, resident, Judi Bayly and her 8-year-old Irish setter, Lyric, who dialed 911 and helped save Judi's life when she noticed Judi had stopped breathing.

Last month, Judi Bayly who has asthma and sleep apnea, stopped breathing temporarily. When the oxygen generator she uses became unplugged and the alarm sounded, Judi did not hear it as she slept. Lyric, her Irish setter, did and tried to alert Judi by barking, pawing and sniffing at her. Unfortunately, Judi didn't wake up so Lyric dialed 911. When rescuers arrived at Judi's house, Lyric continued to bark and guided them to her.

Amazingly, Lyric has also saved Judi's life twice before by dialing 911. Although Lyric is trained by Service Dogs America in New York to recognize Judi's seizures, Lyric has a special loyalty to Judi and is by her side constantly. As an emergency medical technician, Judi also trains dogs professionally. She has bred Irish setters before and she and her husband own three of Lyric's puppies. I admire Judi's devotion to her dogs and her promotion of the use of trained dogs.

Lyric is an exceptional dog and deserves the national recognition she has seen over the past few weeks. Lyric is an example of a truly sensitive and astute dog. As a dog lover myself, I congratulate Lyric and her owner on a job well done!●

REV. ROOSEVELT AUSTIN

● Mr. LEVIN. Mr. President, I rise to honor Rev. Roosevelt Austin and his wife, Dr. Nurame Austin, who will be celebrating their 40 years of dedicated service to the Saginaw community and the State of Michigan. Reverend Austin is the pastor of Zion Missionary Baptist Church in Saginaw, MI.

Reverend Austin was ordained June 25, 1953, at Western Seventh District Association in Opelousas, LA. This day was the start of a long and fruitful career of community service. Reverend Austin's pastoral experience began as a youth minister at Mt. Calvary Baptist Church in Opelousas, LA, the church where he was converted on April 7, 1936. Reverend Austin went on to receive bachelor's and master's degrees in theology. He received a doctorate of divinity degree with honors from the American Divinity School in Chicago, IL.

Reverend Austin has always stressed the importance of education. He has become a shining example to the community of what a lifetime of learning can accomplish. He has served on local, State, and national congresses of Christian education. He has also served as a board member on the Commission on Quality Education for All Children for Saginaw Public Schools. Reverend Austin sees that improving the condition of our inner cities begins with improving the education of our children.

Reverend Austin's dedication to improving the condition of our Nation's inner cities has been a driving in his life s work. During the course of his career, Reverend Austin has taken part in many institutes, organizations, and community groups that focus on solving problems associated with poverty. He is a board member of the Saginaw chapter of the NAACP and also serves as a spiritual advisor to inmates at the Saginaw County Jail.

On May 4, 1996, Reverend Austin will be awarded an honorary doctor of humanities degree from Saginaw Valley State University for the leadership role he has played in seeking neighborhood improvement.

Through his life's work, Reverend Austin has touched and improved the lives of countless people. I know that my Senate colleagues will join me in congratulating Rev. Roosevelt Austin on his 40 years of outstanding service to the community.●

HIGHLAND HIGH SCHOOL ACADEMIC DECATHLON TEAM

● Mr. BINGAMAN. Mr. President, I rise today to commend the students and coach of the Highland High School Academic Decathlon Team. This team, comprising of 15 New Mexico students, is the New Mexico representative to the 1996 National Academic Decathlon competition in Atlanta, GA.

The academic decathlon is a unique program that encourages academically well rounded students to compete in a variety of events. The decathlon encourages students to develop a greater respect for knowledge, promotes wholesome competition in academic areas of study and interest, stimulates intellectual growth and achievement, and encourages public interest and awareness of outstanding programs in our schools. This valuable program challenges students to strive for goals and to work hard academically.

Mr. President, these 15 students and their coach have worked extremely hard since early fall to prepare themselves for this event. Through their hard work and their extensive efforts, they have been able to overcome obstacles and achieve very high goals. Too often, Mr. President, we reward students for their athletic prowess instead of their academic abilities. Today, I

want to highlight the achievements of these students. Our students can be champions in the classroom as well as on the athletic field.

Mr. President, for their outstanding accomplishments, and their sincere commitment to academics, I commend the members of the Highland High School Decathlon team. I believe that I speak for all New Mexicans when I wish them the best of luck and congratulate them on their success.●

THE DOMENICI-WELLSTONE MENTAL HEALTH PARITY AMENDMENT

● Mr. BRADLEY. Mr. President, last night Senators DOMENICI and WELLSTONE introduced an amendment to establish parity in treatment between mental health and physical health. I want to thank them for their leadership. Their remarks, along with those by Senators CONRAD and SIMPSON, were moving and sometimes very personal. I know they were inspiring to me, and I believe to many others, as the strong vote in favor of their amendment suggests. I congratulate them.

There is little doubt remaining even among the most skeptical people that biochemical disturbances are major precipitating factors for the major mental illnesses like schizophrenia, bipolar disorder, and major depression. Nonetheless, longstanding biases, which are really fears in disguise, still frame our understanding and treatment of mental health disorders and mental illness. As Senators DOMENICI and WELLSTONE have said so well, it is time for this country to speak more openly and forcefully about the broad scope of mental health issues. Mr. President, last night we began the important work of reforming our health insurance practices so that more Americans have access to health insurance and greater protection against losing coverage. We will complete this step of that work on Tuesday. With this work, we have an excellent opportunity to begin to build a healthcare insurance structure that recognizes both physical and psychological factors in health and illness.

One of the most promising directions in healthcare is the increased recognition of social and psychological variables. We know that depression is a better predictor of relapse among coronary patients than is a high cholesterol level. We know that breast cancer patients who participate in support groups experience greater longevity than those who do not. We know that 50 to 60 percent of patients who visit a primary care physician do not have a physical condition that can be diagnosed. Instead, they bring the sequelae of trauma, violence, and abuse. They bring masked drug and alcohol problems; they bring rage and impulse control problems that are often amplified by the loss of employment, marital and family strains. They bring a sense of hopelessness that can get so bad that suicide seems like the only way out.

Mr. President, we know that emotional and behavioral factors, including tobacco use, obesity, and a sedentary lifestyle are ones contributing to physical health problems and huge healthcare costs.

By treating physical, psychological, and other factors together in a collaborative setting, we can begin to control and change many of the manifestations of illness.

This insurance reform debate has provided an occasion to highlight this model of health and subsequent opportunities to work toward greater parity for mental health treatment.

Last night Senator DOMENICI has called the inequities in the treatment of mental illness and physical illness ''one of the real, continuing injustices in America today * * * someone with schizophrenia is just as sick as your neighbor with cancer.''

Senator DOMENICI is right. Serious mental illness is devastating in a way that few of us can imagine. Enough of the discrimination we have shown toward those who are mentally ill. Enough of the blind eye and deaf ear we have turned toward mental health. Today, Mr. President, I am asking that this country catch up with science, catch up with the reality of who goes to the doctor with what kind of problem. Today, Mr. President, we need to understand that compassion does not have to be costly. We can use our brains and show our heart and say it is time to work toward parity between mental health and physical health. We can work toward health care treatments that show that mind and body are not separate.

As Senator WELLSTONE said last night, ''for too long mental health has been put in parentheses.'' I agree. I ask that we take away those parentheses that are more like prisons to those suffering and begin to study how we can provide better, comprehensive health care that is fair to all.●

NATIONAL COUNTY GOVERNMENT WEEK

● Mr. BURNS. Mr. President, I rise today to recognize National County Government Week from April 21 to 27.

National County Government Week is an important opportunity to remember the values on which our country was founded. County governments have an advantage over the mammoth Federal bureaucracy—county governments are able to keep in touch with their constituency.

Before the voters in Montana asked me to represent them in Washington, DC, the voters in Yellowstone County asked me to be their commissioner. I know from experience that county governments can easily maintain a high level of efficiency.

Local governments don't compromise the sovereignty of the individual, which tends to be the case with the Federal Government. Mr. President, as the role of today's Federal Government expands, so does its intervention into the privacy of individuals.

The Montana Association of County Governments, also known as MACO, along with its national parent organization NACO, has the ability to reallocate the power of the Federal bureaucracy in a manner that would benefit all Montana taxpayers.

The goal of the Republican agenda, a goal I heartily support, is the redistribution of Federal power to the State, county and local governments. As a former Yellowstone County commissioner, I had face-to-face encounters with Montana taxpayers on a daily basis. If a Montanan had a concern about local, State, and even Federal issues, all they had to do was pick up the phone and call me at the office or at home—my number was listed. And whether they wanted to talk about the neighbors' cattle that seemed to always be loose or potholes you could lose a tractor in, my experiences as a Yellowstone County elected official were a valuable lesson in where the rubber really meets the road.●

TRIBUTE TO THE NEW HAMPSHIRE BUSINESS PERSON OF THE YEAR, CHUCK HENDERSON

● Mr. SMITH. Mr. President, I rise today to congratulate a hard-working New Hampshire entrepreneur, Chuck Henderson, on being named the 1996 New Hampshire Small Business Person of the Year. The New Hampshire Small Business Administration (SBA) recently honored Chuck with this award, and in June, he will receive special recognition from the President.

In 1969, as a young high school student, Chuck started a business by developing his first skiing product. Twenty-six years later, Chuck is the proud owner of Chuck Roast Equipment, Inc., which now offers more than 100 products for cold weather. His company is nationally known and employs 47 people.

Chuck grew up in Conway, NH, and undoubtedly saw a need for warm clothing during the severe winter months. Snow gaiters were the first products he developed while in high school in response to wet socks and pants during cross country skiing. Chuck Roast Equipment, Inc., now has an extensive line of high-quality outerwear. His company has been one of the leaders in the production of pile clothing, and its brightly colored and patterned fleece jackets and pullovers are popular across the country. Other products include hats, mittens, blankets, daypacks, and baby buntings. He now sells to over 300 retailers, exports to six countries, and operates three retail stores in the State.

As a dedicated entrepreneur, Chuck attributes the success of his business to perseverance, hiring and keeping competent and loyal employees while also diversifying the product line when

the need arises. He also donates baby bunting to every baby born at Memorial Hospital in North Conway and is involved in other community service projects.

He credits the SBA and its resource partners, the Service Corps of Retired Executives [SCORE] and the New Hampshire Small Business Development Center [SNDC] with helping Chuck Roast get started and grow to be the success company it is today. His company received several SBA loans and the assistance from the agency's export finance program.

Small business is the backbone of our economy in the United States. I am proud to honor Chuck for preserving and establishing a thriving business in New Hampshire. He has devoted himself to working hard and providing our State with warm clothes during the harsh winters. Congratulations to Chuck and all the employees at Chuck Roast Equipment, Inc., for this prestigious recognition.●

THE 100TH ANNIVERSARY OF THE HYANNIS FIRE DEPARTMENT

● Mr. KENNEDY. Mr. President, May 8, 1996, marks the 100th anniversary of the establishment of the Hyannis Fire Department and the Hyannis Fire District. It is a privilege to take this opportunity to commemorate this important milestone and to commend Commissioner Richard Gallagher and all the brave men and women who have served in the Hyannis Fire Department over the past 100 years.

Over the years, the members of the department have done an outstanding job protecting the people of Hyannis, and they have also been valued friends and neighbors. My family and I, as longtime residents of Hyannis, have many friends in the department, and we greatly admire their ability and dedication.

I welcome this opportunity to join many others in Massachusetts in praising the Hyannis Fire Department on this auspicious centennial anniversary, and I ask that an article by Edward F. Maher published in 1930, entitled ''The History and Functioning of the Hyannis Fire District,'' be printed in the RECORD.

The article follows:

THE HISTORY AND FUNCTIONING OF THE HYANNIS FIRE DISTRICT

The history of the Hyannis Fire District, as given by Edward F. Maher before the Hyannis League of Woman Voters on Tuesday, Dec. 29th last, was of such general interest and so informing in detail that it is printed herewith in its entirety;

The science of Civil Government enlightens us on the great aspect of National life, describes the divisions and sub-divisions of the great body politic into which our nation is divided and sets forth the laws and methods by which they are administered.

The National government, at Washington levies taxes, makes and executes laws applicable to the country as a whole and to the territories thereof. The various state governments make and execute laws applicable to the states as a whole.

The states are divided into counties which have functions dealing with large sections of the state and separated from the rest for political or judicial purposes.

The counties of the state are divided into cities and towns.

The cities are the large populous and compact sections incorporated as muncipalities usually having a mayor and council in charge.

The towns are the more numerous sub-divisions, often large in area but of not sufficient wealth and population to be incorporated as a city. The rights and duties of a city. The rights and duties of the voters of towns are unique in that the matter of raising moneys and its appropriation is exercised by the voters themselves whereas in cities, counties and other large divisions this power is delegated to others. It has been said that the New England town meeting is the ideal form of Democratic government.

Now it may transpire that there is a certain populous, and important community within a town that desires certain conveniences, improvements and protection that the town as a whole may not wish to provide funds for. In that case the law provided that this community may petition the town to set it aside as a Fire District and define its boundaries. If the town refuses to comply the petitioners may proceed to organize a Fire District under the general laws.

A Fire District may be formed also by special act of the legislature.

In the course of events it came about that the village of Hyannis required improvements, conveniences and protection comparable with its material growth, and it was evident these could only be acquired through the incorporation of the village of Hyannis as a Fire District.

Now a Fire District is in some respects like a little town with restricted rights. Its powers being the right to raise money by taxation for the maintenance of a Fire Department, including fire houses, fire engines, chemical engines, hook and ladder trucks, articles used in the extinguishment of fires, hose carriages, hydrant rental, pay for firemen, a few other minor matters and the installation and maintenance of street lights, Its activities are limited to these matters, unless by special act of the legislature.

Now the establishment and organization of the Hyannis Fire District was achieved in this manner:

An article was inserted in the warrant for the annual town meeting held, on March 2, 1896 on petition of a number of citizens, inhabitants of Hyannis, to see if the town of Barnstable will receive and act on said petition for the establishment of a Fire District in the village of Hyannis.

Following such refusal a petition signed by a number of freeholders, inhabitants of Hyannis was addressed to the selectmen of the town of Barnstable asking them to notify a meeting of the inhabitants of the proposed District to meet in Hyannis for the purpose of considering the expidiancy of organizing the Fire District and establishing a Fire Department.

The selectmen of the town of Barnstable called a meeting of the voters of Hyannis the same being held in Masonic Hall, Hyannis on May 6, 1896 and there after fullfiling all the legal requirements was voted to stablish the Hyannis Fire District with the same limits as set forth in the petition to the selectmen of the town of Barnstable.

At this meeting the Fire District organized by the choice of Henry H. Baker, Jr., as clerk and appointed a committee consisting of Messrs. Franklin Crocker, James H. French and Charles C. Crocker to investigate water works and other methods of fire protection.

The first Prudential Committee of the District elected May 20, 1896 consisted of F. Percy Goss, Charles C. Crocker and George M. Smith.

On May 29, 1896 it was voted to purchase a chemical engine, a hook and ladder truck, four hand, extinguishers and to build a house for the use of the department the whole entailing an expenditure of $1,500.00. It was voted at this meeting to establish a Fire Department and at a subsequent meeting O. Howard Crowell was chosen the first Chief Engineer of the District.

On May 23, 1902 the sum of $1,100.00 was raised and appropriated with which to purchase a new chemical engine the first one not being deemed adequate as it had been in use elsewhere before coming to Hyannis.

During this period and at each annual meeting there were discussions, suggestions and investigations concerning street lightning by the District but nothing was really accomplished until the year 1904.

The matter of lighting the streets of Hyannis had always been one of much concern. Years ago the individual would place a kerosene lamp in front of his house and would keep it lighted. This was done here and there throughout the village.

Then the Village Improvement Society was organized and with such leaders as Miss Ida Bearse, Miss Clara J. Hallett, Mrs. Sarilla H. Smith, Mrs. Maud P. Chase, Mrs. Cleone Chase, Mrs. Ida Frost and others a more general system of lighting the streets was accomplished.

Later under the management of the Hyannis Womans Club the matter was gone into more seriously, more lights were added. A system of gas lighting was introduced and a man employed to care for the lights and light them at the proper time. Much progress was made under that management and through their untiring labors and efforts.

On May 25, 1904, the following vote was passed at the Annual meeting of the Hyannis Fire District: Voted to accept certain street lamps, poles and other appurtances, together with a certain sum of money from the Social Service Department of the Hyannis Woman's Club. That sum of $325 was raised and appropriated at this meeting for the erection and maintenance of street lights within the District, and thus the Fire District formally assumed the duties of street lighting. (20 street lights on moonlight schedule).

And thus began through the instrumentality and Co-operation of the women of Hyannis a system of street lighting which has steadily increased and today compares favorably with the best in any town in the state.

In the year 1905 a movement was started to investigate the installation of Hydrant and Water service in the District and it was voted to petition the legislature for an act authorizing it to produce pure water to the said District for domestic, fire and other purposes.

The Legislature, in June 1906, passed an act to provide for a water supply for the Hyannis Fire District to become operative upon its access to the District.

The matter was twice formally presented to the voters of the District and each time rejected.

Many believe that had we than accepted the provisions of that act and installed our own water system, today we would be free from debt and water would be had at a very low rate.

In 1907, a new chemical engine was purchased at an expenditure of $1,300.

In 1909, the street lighting system had been so extended as to call for an appropriation of $1,000.

Since its establishment and up to the year 1911, the District through its Fire Department depended upon the valor of its firemen and the use of hand drawn chemical engines,

hand fire extiguishers and the hook and ladder equipment to cope with any conflagration and wish to say that on all occasions the Fire Department has done the best of work.

In 1911 the Barnstable Water Company installed a water system in Hyannis and the Fire District in 1912 appropriated $2,380.00 to cover the rental of 68 hydrants which was at the rate of $35.00 per hydrant, per annum. We have one of the best water systems in the state there being a pressure of 80 lbs. to the square inch at the hydrants and capable of throwing three streams of water from the same hydrant to a height of more than 70 ft.

Much can be accomplished by the chemical engines if they reach a fire early, but water is the most effective agent after a fire is well started.

In 1914 a substantial and artistic drinking fountain dedicated to the use of human beings and dumb animals and erected at a cost of several hundred dollars was presented to the Hyannis Fire District. This fountain is located in Depot Square and is a monument to the benevolence, charity and humanity of the Hyannis Womans Club.

The appropriation for Street lighting was increased from year to year according as additional lights were needed and is 1922 electric lights were installed on that part of Main Street between Ocean Street and the residence of Dr. Harris. For a number of years there had been a division of opinion as to whether pole locations should be granted on that part of Main Street, but this matter having been amicably adjusted Main Street received the lights as was its due.

In 1922 the Fire District was * * * was given further attention and Main Street from the Yarmouth line to Sherman Square was converted into a great white way by the installation of forty 250 watt lights throughout its length. This has been very satisfactory and strangers entering our village are favorably impressed.

The Distrct seems to be very well taken care of at present. There was appropriated for Street lighting at the last annual meeting the sum of $4,728.00 which provides one hundred sixteen 40 watt lights equitably—distributed throughout the district and the forty 250 watt lights on Main Street.

For many years a fire alarm system was considered and there was appropriated the sum of $1,100 in 1923 and the following year a siren was purchased and through the courtesy of the officers of the Federated church, it was installed in the belfry of the church. The telephone company have co-operated cordially with the District and when notice of a fire is received the operator through a system of wires connected with the siren sends out the alarm.

Heretofore all the equipment in use by the District was drawn by hand or conveyed by horse or automobile but in 1923 a new motorized chemical engine was purchased at a cost of $3,500 which is really a credit to the community.

In 1923 the Fire District was enlarged by the addition of adjacent territory at the request of the residents.

The organization of the Hyannis Fire District is as follows:

A Prudential Committee of three members whose duties in the Fire District are similar to the duties of Selectmen of towns.

The following have served at various times since the organization of the District:

Chas. Grocker, Percy Goss, George H. Smith, Arthur G. Guyer, Edw. L. Chase, Luther G. Hallet, Irving W. Cook, Edw. C. Hinckley, N.A. Bradford and the present board—Frank Thacher, Chas, W. Megathlin and Edw. F. Maher.

The following have served as Clerk and Treasurer: Henry H. Baker, Edw. F. Maher, Walter S. Chase and the present incumbent Wm. G. Currier.

The following have served as Chief Engineer: O. Howard Crowell, N. Alphonso Bradford, Irving W. Cook, W.R. Nickerson and the present Chief, Everett O. Bond.

The present Asst. Engineers are Winslow K. Thacher, Frederic Scudder and J. Lester Howland.

All the officers of the District serve without pay with the exception that for the last few years the Clerk and Treas. held by the same person is paid $50 per year.

The Fire Department is organized under the engineers in to Fire Policy Day Crew, Night Crew, and are on call at all times and should the apparatus be called out of town at any time, competent men are always on duty at Hyannis.

The money appropriated at Fire District meetings is assessed by the assessors of the town and collected by the tax collector of the town and paid over to Treasurer of the Fire District.

A total of $118,416.33 has been appropriated in the Fire District since its establishment.

The assessed valuation of property real and personal within the District in 1898 was $970,000.00 and on April of this year it amounted to $2,757,610.00 and at the present time it is probably more than $3,000,000.00 and is larger than most towns in Barnstable County.

For some years the old engine house has been inadequate for the needs of the Fire Department and last year the District voted to expend the sum of $28,000.00 for a plot of land and the construction of a new engine house.

A plot of land was purchased on Barnstable Road for the sum of $3,000.00 and there has been erected thereon a model fire proof engine house complete in all details and it is believed it will serve the needs of the District for years to come.

There is ample room to store the engines, hook and ladder truck, hose reels and other equipment. There is an apartment for drying the hose after a fire. There is an assembly room for the firemen. The building is heated with a modern Spencer heater so there is no danger of the radiators freezing in the cold weather. It is a building that any city might be content with and I am recently told by the Chief Engineer that the assembly will soon be furnished after which open house is to be held to which the public including this worthy gathering are to be invited to attend.●

THE USE OF FOREIGN TRUSTS TO AVOID TAXES

Mr. MOYNIHAN. Mr. President, last evening the Senate adopted a proposal I introduced in September of last year to curb the use of foreign trusts to avoid U.S. tax responsibilities.

The Treasury Department first called attention to this problem early in 1995. Thereafter, I worked with Representative GIBBONS to develop legislation to prevent taxpayers from evading taxes by transferring assets offshore. Legislation very similar to the bill that I introduced (S. 1261) was included in the Senate-passed health insurance reform bill late yesterday.

There is disturbing evidence of the extent of tax avoidance through the use of foreign trusts. Although taxpayers are required to report the value of their assets held in foreign trusts, only $1.5 billion were reported in 1993, according to the IRS. Yet it is estimated that total U.S. source funds held abroad in tax haven jurisdictions are in the hundreds of billions.

In 1989, the New York Times reported that financial institutions in the Cayman Islands, Luxembourg, and the Bahamas had $240, $200, and $180 billion, respectively, on deposit from the U.S. New York Times, October 29, 1989, page 10. More recently, Barron's estimated that a total of $440 billion was on deposit in the Cayman Islands in 1993, with 60 percent of that amount—$264 billion—coming from the U.S. Barron's, January 4, 1993, page 14. To put this in some perspective, Barron's calculated that there was more American money on deposit in the Cayman Islands than in all of the commercial banks in California. Although only a portion of U.S. funds abroad are held in foreign trusts, the Treasury Department estimates that tens of billions of dollars are held in offshore asset protection trusts established by U.S. citizens and residents.

Once assets move offshore, it has been difficult for the IRS to enforce the tax laws. Foreign bank secrecy laws preclude the IRS from uncovering the information necessary to determine what is owed. Central to the legislative solution that I have proposed are provisions designed to provide the IRS with better information on foreign trusts. The bill would substantially strengthen the obligations of taxpayers to report information to the IRS and impose penalties with genuine deterrent effect for failure to do so. Among other changes, the bill includes new rules designed to lead most foreign trusts established by U.S. persons to appoint a U.S. agent that can provide trust information to the IRS.

The bill would also close a number of loopholes in the existing grantor trust tax rules. These rules specify when the existence of a trust will be ignored for tax purposes because the creator of the trust retains sufficient control over the assets transferred to be treated as continuing to own the assets. For example, a foreign person; generally not taxable in the United States, transferring assets to a trust for the benefit of U.S. persons generally would not be treated as the tax owner of the assets in the trust unless the trust was fully revocable. Instead, the U.S. beneficiary receiving income from the trust would be taxed on receipt of that income.

I am pleased that the Senate has adopted these changes. These are practical rules that would dramatically improve tax compliance without unduly burdening legitimate financial transactions.

LEBANON

● Mr. LEVIN. Mr. President, I am deeply distressed by the events of recent days in southern Lebanon. The deaths of innocent civilians is a horrible human tragedy and our hearts go out to the families of those who have been lost. The U.S. Government should continue to attempt to facilitate an end to

the fighting and to provide humanitarian assistance.

I support the President's call on all sides for a cease-fire in the area. The cycle of violence, of attack and counterattack, must be broken immediately.

The Secretary of State has been consulting with leaders in the region in an effort to reach an agreement which will restore calm to the area. I support those efforts. The Secretary will travel to the Middle East tomorrow. I am hopeful that he will be able to facilitate diplomatic efforts to reach a peaceful settlement and an end to the bloodshed and violence.

I have joined with Senator ABRAHAM and others in a letter to the Secretary of State, the Secretary of Defense, and the Director of the Agency for International Development calling for emergency humanitarian assistance for civilian refugees in Lebanon.●

TRIBUTE TO ROWAN COLLEGE

● Mr. BRADLEY. Mr. President, I rise today with great pleasure to congratulate New Jersey's very own Rowan College. As you may know, the Profs of Rowan College recently defeated Hope College by a score of 100 to 93 to become the 1995–96 NCAA Division III men's basketball champions.

Rowan's basketball team is special in more ways than one. Having finished the year with a 28–4 record, the Profs have once again risen to the challenges and competition of college basketball. This is hardly Rowan's first trip to the Final Four. Under the tutelage of their coach, Dr. John Giannini, the Profs have proven to be no flukes, as they have reached the Final Four three years running.

This championship season also marks the end of Terrence Stewart's stellar career. Terrence leaves Rowan College as its all-time leading scorer. Having been named this year's tournament most valuable player, Terrence has much to be proud of. As I can attest to, though, a championship team consists of a group of players who are all dedicated to the game, the work ethic, and the goal of being the best. Indeed, the entire team deserves praise and admiration.

Having played in a Final Four tournament myself, I know first hand how much hard work, time, and energy these players have put into achieving this tremendous goal. For college athletes face not only the pressures of the hardwood floor, but also the day-to-day pressures of performing in the classroom.

In closing, Mr. President, I would like to once again offer congratulations to Rowan College. Success in the sports arena, like many other endeavors, requires a great deal of dedication, hard work, and courage. I am very proud to have Rowan College represent our State.●

AN ANNIVERSARY STATEMENT—THE TECHNOLOGY REVOLUTION FOR PEOPLE WITH DISABILITIES

Mr. DOLE. Mr. President, Sunday, April 14, was a special anniversary for me. It was on that date during World War II I was wounded and joined the ranks of America's disability community.

We are a large, diverse community, from all walks of life, of every race and creed, and with the same hopes and dreams as other Americans.

Since joining the Senate, it has been my custom to remember this anniversary each year by speaking about an issue important to Americans with disabilities.

So today I will discuss a revolution in technology for the disabled—a quiet but extraordinary revolution that is bringing us closer to our national goals of independence and full participation.

NEW TECHNOLOGIES FOR THE DISABLED

Mr. President, today's technologies for the disabled are yesterday's science fiction pipedreams.

For my friend Kyle Hulet in Hutchinson, KS, technology provides a new world of independence. Kyle has only limited use of his hands, and has had to depend on others for the simplest things—even turning the lights on in his room.

But with a new environmental control unit strapped to his wheelchair, which operates much like a TV remote control, Kyle can run 16 appliances, including lights, TV, and stereo.

Jenni Koebel of Topeka, who cannot speak and has limited use of her hands, taps out words on the keyboard of a communication device—that then speaks with a voice synthesizer. Sure, the voice is a little mechanical, but Jenni's intelligence and charm shine through.

When Jenni visited me sometime back, she was a high school student. Today, she is enrolled in my alma mater, Washburn University. Technology has helped make this possible.

Even the venerable wheelchair has gone high technology. For too long wheelchair users have been described as ''wheelchair bound'' or ''confined to a wheelchair.'' This stereotype unfortunately contained some truth—wheelchairs were heavy and awkward.

That is, until innovators like Marilyn Hamilton came along. Marilyn, who became a wheelchair user following a hang-gliding accident in 1978, asked why chairs couldn't be light, compact, fast—and good looking.

And when no one could give her a good answer, she went out and built a chair that was all these things. And then helped set up a company, Quickie Designs, to build those chairs for others.

And for the amputee, artificial legs made of new plastics can now mimic the spring and bounce of the natural footstep.

Perhaps the toughest test for these artificial limbs is sports. And the toughest sports events for disabled athletes can be found at the Paralympic games.

For example, in 1992, Tony Volpentest of Edmonds, WA, ran the 100-meter dash in 11.63 seconds, just 1.83 seconds off Carl Lewis' Olympic record. Tony was born without hands or feet, and uses two high technology artificial legs.

The 1996 Paralympics will be held later this year in Atlanta, following the Olympics. Over 120 countries will be represented—and with talent like Tony's, we are talking real competition among world class athletes.

In the future, we can expect even more astounding devices—such as systems that will allow blind people to freely navigate city streets using signals beamed from global positioning satellites overhead. And sophisticated voice recognition systems that will automatically closed caption videophones of the future.

The bottom line here is simple. For people with every kind of disability—whether sensory, cognitive, motor, or communication—technology can provide tools to speak, hear, see, learn, write, be mobile, work, and play—in short, to live as fully and independently as possible. Technology increasingly allows people with disabilities to make the same choices about their lives—good and bad—that other Americans often take for granted.

THE INFORMATION SUPERHIGHWAY

Mr. President, one can hardly open a newspaper or turn on the TV these days without hearing about the Internet—the worldwide hookup of thousands of computers. For the price of a local phone call, an individual can retrieve information from almost anywhere on the planet.

But for Holly Haines, the Internet is about a job. Holly lives in rural Pennsylvania. The nearest traffic light is 8 miles away—a lot like western Kansas where I grew up. Because of muscular dystrophy, Holly rarely leaves home.

Several years ago Holly called my office, asking for some help in getting access to the Internet through a local university. She had a job offer at a national database company, but to call the company's computer directly every day would have meant huge, unaffordable long-distance phone bills.

Well, Holly got on the Internet and went to work. And about a year ago the Microsoft Network called to offer her a job as supervisor of Chat World.

Every day hundreds of network subscribers talk on-line in the virtual town square of Chat World. Life in the virtual world can get pretty wild, and Holly is Chat World's mayor and Miss Manners rolled into one. She oversees a staff of 75 people.

By the way, Microsoft never had a clue that Holly was disabled when they hired her. And here's the important lesson. For Holly, and for millions of Americans with disabilities, the Internet is both a great equalizer and a great opportunity.

FULFILLING THE PROMISE OF TECHNOLOGY

Mr. President, the news is not all good. Thousands of Americans with disabilities cannot afford these technologies, some of which cost thousands of dollars. In my home State of Kansas, the legislature has recognized this problem and recently authorized an annual appropriation of $100,000 to help pay for technology.

And in the Balanced Budget Act, I sponsored a provision with Senator CONRAD to allow Medicare beneficiaries to use their own funds to pay for more sophisticated technologies, by supplementing Medicare's payment for a standard item.

But we need to do much, much more.

The second big issue is that we must be careful that new technologies—whether personal computers, the Internet, or whatever—are designed to be accessible to the disabled from the start. We have learned the hard way how expensive it can be to retrofit buildings and streets. We do not need to learn that lesson twice.

In this regard, the new Telecommunications Act has several provisions designed to encourage companies that manufacture telecommunications equipment or provide services to make their products accessible to the disabled. Another provision in the act also provides for more closed captioning of TV and video programs.

Mr. President, in closing, I would like to say a few words about the Americans With Disabilities Act. ADA was passed 6 years ago. Some people claim that I have backed off my support for ADA. That is simply not true. But I believe, and have always believed, that ADA can work, must work, for everyone—people with disabilities, Government, and business. I am trying hard to see that happens.

The poet Archibald MacLeish once wrote, ''America was always promises.'' The technology revolution, together with important laws like ADA, are helping people with disabilities realize America's promises.

MEASURE PLACED ON THE CALENDAR—S. 1028

Mr. DOLE. Mr. President, I ask unanimous consent that S. 1028 be placed back on the calendar.

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

HAITI POLICY

Mr. DOLE. Mr. President, this week marks the final withdrawal of United States Armed Forces from Haiti. It is an appropriate time to ask, ''What did our second intervention of the century in Haiti achieve?'' Congress and the American people were deeply divided over the wisdom of Operation Uphold Democracy. Many of us were concerned that the American intervention to restore President Aristide would not lead to lasting and durable change in Haiti.

Unfortunately, it is now clear that U.S. policy has not achieved its stated goals of establishing a rule of law, fostering genuine democratic change, and creating sustainable economic development. A bicameral staff delegation visited Haiti over the April recess and has completed a report which details serious failures of American policy—failures in each of the three critical areas of politics, security, and the economy.

HUMAN RIGHTS

The report concludes that the Clinton administration and the United States Embassy have not taken human rights seriously in Haiti. A particularly disturbing incident involves the event leading up to the assassination of Mrs. Bertin on March 28, 1995—3 days before President Clinton visited Haiti. The U.S. Government had concrete information about a plot to kill Mrs. Bertin which implicated Aristide government officials, including the Minister of Interior. Inexplicably, no one in the U.S. Government warned Bertin of the plot. Instead, U.S. officials decided to rely on the same government planning Bertin's murder to provide her with warning of the plot. This incident deserves, as the report recommends, full investigation by the executive branch and by the Congress to examine why U.S. officials neglected to act effectively on information that they possessed.

NO PROGRESS ON DOLE AMENDMENT

The report details lack of progress in meeting the conditions of the so-called Dole amendment on investigating political murders. The report also details the lack of action by the U.S. Embassy in examining and reporting on a wide range of human rights and police issues. The compromise of police investigations by Aristide loyalists was not reported. Basic information about murders involving the U.S.-trained police forces was not even gathered. It seems clear that the attitude of the United States Government was they did not want to know about government death squads which would prove embarrassing to the claim of Haiti as a foreign policy success.

ADMINISTRATION'S CONFLICTING STORIES

The report also details the sustained campaign by the administration, chiefly the Agency for International Development [AID], to blame Congress by providing intentionally misleading information about U.S. assistance programs. The Clinton administration cannot even get its own story straight. For example, while AID criticizes Congress for delaying aid to the Haitian police because of human rights concerns, the State Department takes credit for suspending aid to the Haitian police for the same human rights concerns. And while AID was holding up health programs because of their concerns about the competence of the Haitian Minister of Health, AID officials in Washington, regularly criticized Congress for holding up health projects in Haiti.

A FOREIGN POLICY SUCCESS?

There has been much in the media about the success of President Clinton's Haiti policy. There has been little about the fundamental flaws detailed in this report. It is clear, however, that the administration knows it is on thin ice: changes in their Haiti policy have already been announced in recent days. Earlier this year, congressional pressure led to the dismissal of some of the worst human rights violators in the Haitian security forces. This week, the administration announced it was suspending aid because the Dole amendment conditions could not be met. The administration is reportedly considering reopening a fund for the victims of human rights violations. Most notably, the administration now points to the importance of thwarting former President Artiside's effort to undermine important policy goals. Long the defender of Aristide, even the Clinton administration now admits he refused to allow progress on police reform or free market economics. What a difference congressional pressure can make.

PLAYING POLITICS WITH HAITI POLICY

Mr. President, there is no difference between congressional Republicans and the stated goals of the Clinton administration in Haiti—democracy, economic recovery, and the rule of law. Our differences are about the very real problems which have been swept under the rug—in the name of defending policy failures. Our differences are over the administration's effort's effort to make Haiti a political football by blaming Congress for their own shortcomings.

Mr. President, the U.S. military did its job. There is no security threat to the government of Haiti. The dictatorship is destroyed and the Haitian army no longer exists. It is on the civilian side where our policy has fallen short.

What have we achieved in our Haiti intervention after 18 months and more than $2 billion? The answer is disappointment and missed opportunities. The answer is not nearly as much as could have been achieved if the administration had been more honest and more able. For the sake of the long-suffering people of Haiti, I hope the administration will jettison its political approach, and begin working with Congress to fashion a workable Haiti policy. I hope they begin soon.

I ask unanimous consent that the report be printed in the RECORD.

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

U.S. CONGRESS,
Washington, DC, April 17, 1996.

Hon. BOB DOLE,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Pursuant to your authorization, we traveled to Haiti from March 30, 1996, to April 3, 1996, to examine political, economic, security and assistance issues. We met with a wide range of U.S., Haitian, and international officials and visited a number of sites including the Haitian National Police Training Center, U.S. Agency for International Development projects, and U.S. Armed Forces headquarters.

As the final withdrawal of U.S. Armed Forces is underway, we believe our findings

and recommendations are particularly timely. Still, if the United States is ever to achieve a truly bipartisan policy toward Haiti, the Clinton Administration must cease its efforts to blame Congress for the shortcomings of its own policy. Our seven principal findings are:

More than eighteen months after Operation Uphold Democracy began, Haiti's social, political and economic situation remains troubled and tenuous. The U.S. intervention successfully destroyed the military dictatorship, and significantly reduced human rights violations, at a cost of more than $2 billion. However, the U.S. intervention in Haiti has not yet laid the foundation for lasting progress in establishing genuine democracy, in generating economic reform and sustainable development, or fostering respect for the rule of law.

The conditions set forth in section 583 of Public Law 104–107 (the ''Dole Amendment'') on conducting thorough investigations and cooperating with the United States on investigations of extrajudicial and political killings have not been met and will not be met in the foreseeable future.

The U.S. Embassy in Port-au-Prince has failed to devote sufficient attention or resources to the critical issues of extrajudicial killings and human rights abuses perpetrated by officials of the Haitian government.

The work of the SIU has been severely compromised by the presence of three American attorneys and one American ''investigator'' closely identified with many who have publicly and regularly questioned the overwhelming evidence of Haitian government involvement in extrajudicial killings. These individuals are paid by the government of Haiti on terms they refused to disclose to the staff delegation, and have had total access to all SIU investigative files. Prior to the arrival of two American contractors hired by the Department of State to work with the SIU, all SIU investigations were supervised and controlled by these attorneys.

The Clinton Administration has conducted a sustained and coordinated inter-agency effort designed to blame the legislative branch for the shortcomings of its own policies in Haiti. By repeatedly seeking to politicize Haiti policy, the Clinton Administration has done a disservice to the appropriate role of Congress and, more importantly, to the Haitian people. They have also, as a result of systematic obfuscation, kept their own program managers in the dark about these matters, risking the effectiveness of important programs.

In a striking and profound reversal, U.S. and international officials in Haiti now argue that the Preval government deserves U.S. support in order to *prevent* former President Aristide from thwarting important policy objectives, especially on economic and judicial reform. The staff delegation consistently heard numerous officials cite policy initiatives—moribund under the Aristide government—which could actually proceed under the Preval government if U.S. and international support was provided. Such criticisms of the Aristide regime, voiced now in retrospect, were not voiced when they could have made a difference.

The Haitian economy remains highly dependent on foreign assistance, including food aid, and remittances from Haitians living abroad; at least 65 percent of the 1995 budget was provided by international assistance. Despite attempts to promote private investment, adverse internal political developments have reinforced foreign and Haitian investor concerns about the political and security outlook in Haiti. The 1985 level of private investment in Haiti—a very low baseline—is not likely to be restored in this century.

We have attached our full report with appendices. Finally, we wish to express our appreciation for the efforts of U.S. Ambassador to Haiti, William Lacy Swing, and his staff for facilitating our visit. Despite our differences over elements of U.S. policy in Haiti, Ambassador Swing, our control officer Julie Winn, and the Embassy staff provided invaluable support for our visit.

Sincerely,

RANDY SCHEUNEMANN,
CHARLES FLICKNER,
CHRISTOPHER WALKER,
LOUIS H. DUPART,
ROGER NORIEGA.

REPORT OF CONGRESSIONAL STAFF DELEGATION TO HAITI

From March 30, 1996 to April 3, 1996, a delegation of Congressional staff members traveled to Haiti to assess political, economic and human rights issues, and to examine U.S. assistance programs. Our staff delegation was assisted by Karen Harbert, a former AID and International Republican Institute official who traveled to Haiti at her own expense.

Our delegation included:

Randy Scheunemann, Adviser on National Security, Majority Leader, United States Senate;

Louis Dupart, Chief Counsel, Permanent Select Committee on Intelligence, United States House of Representatives;

Charles Flickner, Staff Director, Subcommittee on Foreign Operations, Committee on Appropriations, United States House of Representatives;

Roger Noriega, Professional Staff Member, Committee on International Relations, United States House of Representatives;

Christopher Walker, Senior Professional Staff Member, Committee on Foreign Relations, United States Senate.

FINDINGS

More than 18 months after Operation Uphold Democracy began, Haiti's social, political and economic situation remains troubled and tenuous. The U.S. intervention successfully destroyed the military dictatorship, and significantly reduced human rights violations, at a cost of more than $2 billion. However, the U.S. intervention in Haiti has not yet laid the foundation for lasting progress in establishing genuine democracy, in generating economic reform and sustainable development, or fostering respect for the rule of law.

RULE OF LAW

Human rights and extrajudicial killings

The conditions set forth in section 583 of Public Law 104–107 (the ''Dole Amendment'') on conducting thorough investigations and cooperating with the United States on investigations of extrajudicial and political killings have not been met and will not be met in the foreseeable future.

The U.S. Embassy in Port-au-Prince has failed to devote sufficient attention or resources to the critical issues of extrajudicial killings and human rights abuses perpetrated by officials of the Haitian government.

Despite general statements about the importance of human rights and the rule of law in Haiti by senior U.S. policymakers, no unequivocal or specific statement on more than 25 extrajudicial killings or the emergence of government-sponsored death squads in Haiti has been made. Serious inattention in Washington to systematic human rights violations contributed to the Embassy's uneven and incomplete attention to the critical issues of human rights and the rule of law. Moreover, there is no commitment to incarceration and prosecution of anyone involved in political murders.

Examples of the Embassy's failure to gather, act on, or report on information concerning extrajudicial killings and human rights abuses includes the following examples:

One week prior to the assassination of Mireille Durocher Bertin, the U.S. Embassy and U.S. Armed Forces in Haiti received concrete information concerning a plot to murder her which implicated senior Haitian government officials, including the Minister of Interior. For reasons which remain unclear, no American official ever directly warned Bertin or her family of the assassination plot. The decision not to provide a direct warning based on information in the possession of the United States Government had grave and quite possibly fatal consequences. Apparently, the final decision was made—and not challenged by the U.S. Embassy—by the U.S. Military Commander in Haiti, Major General George Fisher.

Until facilitating a meeting requested by the staff delegation, the American Embassy had no contact with the family of slain lawyer Mireille Durocher Bertin more than one year after her murder—despite the dispatch of some 20 U.S. Federal Bureau of Investigation Special Agents to investigate the murder. The family provided the staff delegation with new and useful information about the killing.

Until facilitating a meeting requested by the staff delegation, the U.S. Embassy had made no contact with the relatives of the March 6, 1996, Cite Soleil massacre in which eight people were killed and 11 were wounded.

The November 7, 1995, shooting in which parliamentarian Jean Hubert Feuille was killed and his colleague Gabriel Fortune was injured has not been investigated adequately. This attack had many similar characteristics to other extrajudicial killings. Fortune publicly claimed that the killers were sent by the ''Palace'' because of Fortune's anti-corruption campaign in the Parliament. The Embassy has made no apparent independent effort to follow-up on Fortune's explosive allegations or determine the status of the material evidence and investigation.

The Embassy has made no effort to determine basic facts surrounding the May 22, 1995, murder of Michel J. Gonzalez, a neighbor of President Aristide's who was shot and killed near his home by four gunmen riding two motorcycles; the attack was witnessed by Gonzalez' daughter, a U.S. citizen. In a meeting with members of the delegation, sources close to the Gonzalez family confirmed persistent rumors that Gonzalez had been pressed repeatedly to move from his rented home so that President Aristide could acquire the property. Despite these widespread rumors, which might suggest a motive in the attack, neither the Embassy nor MICIVIH has made any effort to determine whether the Gonzalez property (where the house has reportedly been demolished) has been incorporated into Aristide's growing 17-hectare compound.

Duly Brutus, a member of the democratic PANPRA party, was arrested briefly in July 1995 and his home was attacked by a 300-person mob in October, less than a week after his testimony before the House International Relations Committee's Subcommittee on the Western Hemisphere. Brutus became aware of threats on his life in November 1995. He was advised by the U.S. military in Haiti to contact the U.S. Embassy with regard to the threat. The Embassy was totally unresponsive to his urgent pleas for help. Because the threats persisted and no one at the Embassy would help, Brutus called the Department of Defense in Washington to request there assistance. DoD interceded on his behalf to ensure that he received safe escort to the airport in Port-au-Prince an onto a airplane

bound for the U.S. In a bizarre turn of events, the Embassy vocally protested DoD's help, which ironically probably saved Mr. Brutus's life. Mr. Brutus has now sought temporary refuge in the United States.

Just before the delegation's arrival in Haiti, Mr. Brutus' wife heard a disturbance during the night at her home in Port au Prince, after which she found five bullets wrapped in stationery of the Ministry of the Interior. An Embassy political officer called Mrs. Brutus after hearing of the incident but took no further action after being assured by Mrs. Brutus that the HNP authorities appeared to be responding adequately to the incident.

Carl Denis and four other persons associated with the ''Political Organization for Democracy in Haiti'' (founded by Mireille Durocher Bertin shortly before her murder) were arrested on August 18, 1995, a day after a four-person demonstration in Port au Prince. They have since languished in the Haitian National Penitentiary without being charged with any crime, reportedly in violation of Haitian criminal procedure. Mr. Denis told members of the delegation that the lone U.S. Embassy visit was by a ''staff sergeant''; Mr. Denis' arrest was reported in the State Department's 1995 human rights report on Haiti. In early March, Mr. Denis was visited by a representative of the Minister of Justice, who told him that there was no merit to the case; he and his companions remain in prison today.

The Embassy terminated its human rights victims fund shortly after the U.S. intervention. The fund provided more than $219,000 for more than 1,700 victims of human rights abuses and their relatives during the de facto regime's rule. Terminating the fund after the installation of President Aristide sent a clear signal that victims of human rights abuses under the Aristide and Preval governments are of less importance to the U.S. government that victims of abuses under the de facto regime.

The U.S. Embassy's Political Section is now fully staffed—which was not the case when one member of the delegation traveled to Haiti in August 1996. The section includes three officers covering political-military issues on a full time basis and one full-time human rights officer. Given the adequate staffing, the Embassy's apparently complete reliance on non-U.S. sources (such as foreigners serving with the United Nations) for reporting on high-profile cases ostensibly important to Washington is perplexing and disturbing.

In light of Washington's silence and the Embassy's inaction, it is difficult to escape the conclusion that U.S. officials did not attempt to develop independent information on extrajudicial killings because U.S. policymakers did not want to know the truth.

U.S. government lack of interest and attention to extrajudicial killings—until forced by Congressional pressure to act—sent a signal to successive Haitian governments that the U.S. would tolerate these actions.

The ''Presidential Commission on Truth and Justice,'' which was established after President Aristide's return, to investigate human rights violations that took place during his exile, presented its report to Aristide on February 5, 1996. Although the Commission's findings have not been made public, its recommendations reportedly include compensating victims and establishing an international tribunal with foreign assistance to adjudicate some of the ''5,000 cases'' covered in the Commission's report. The Commission relied on support from the Canadian government and the UN Development Program since USAID failed to deliver on its promise to provide the Commission $50,000 for vehicles, computers, and office equipment.

Police dismissals

Eight individuals in the police and security apparatus of the Aristide regime have been implicated in extrajudicial murders by credible evidence. After pressure from Congress, including passage of the ''DOLE Amendment'' and objection to obligation of police assistance by House International Relations Committee Chairman Gilman, the Preval government agreed these individuals would not serve in any police and security force.

Congressional Republicans had long raised concerns about these individuals even before Operation Uphold Democracy began. President Aristide consistently refused to take any action against these individuals, and many of them remained in Aristide's inner circle until the end of his rule. Many of them remain close to Aristide today. President Preval deserves credit for doing what his predecessor would not: acting against the most egregious violators of human rights in the Haitian security forces.

Haitian National Police

Creation of a 5,000 person Haitian National Police (HNP) has been a massive undertaking costing the U.S. taxpayers more than $45 million to date. Despite the assistance provided by the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP), the HNP continues to be plagued by the absence of qualified leadership, lack of equipment, and lack of clear political support at the highest levels of the Haitian government.

The March 6, 1996 killings in Cite Soleil will be a critical watershed for the Haitian National Police. Reliable reports—including eyewitnesses interviewed by the staff delegation—implicate members of the HNP in the murders. Beyond the alleged direct involvement of HNP officers in the crimes, senior HNP officials must bear responsibility for the loss of control of the situation. The new HNP Inspector General—dismissed under the Aristide regime for actually trying to investigate a political murder—has begun to investigate the Cite Soleil incident.

In addition to Cite Soleil, HNP officers have been involved in a number of shootings, beatings and other human rights abuses. In addition, at least one officer has been murdered in circumstances which remain unclear.

Although the HNP has developed its manuel de directives, a code of regulations and operating procedures, most HNP officers are not familiar with it, making disciplinary action against HNP officers for violations of law or human rights infrequent. Staff were informed by MICIVIH officials in Goniaves that a local HNP commissaire was known to have committed at least two abuses, including severely beating a civilian, but was merely demoted to the rank of officer.

The delegation learned from U.N. Civilian Police (CIVPOL) trainers that HNP officers recently destroyed two new U.N. vehicles during routine patrols in Gonaives and that the drivers of the vehicles possessed no driver's licenses nor had been taught how to drive. CIVPOL field personnel estimate that 98 percent of all HNP officers do not know how to drive. According to the U.S. State Department, 300 of the 500 vehicles provided to the HNP have been wrecked.

In addition to the Haitian National Police, numerous other armed governmental security forces exist in Haiti, including the National Intelligence Service (SIN), the Ministerial Guards, the National Palace and Residential Security Unit (NPRSU) and the Presidential Security Unit. Particularly in the cases of the SIN, the NPRSU and the Ministerial Guards, it is unclear who in the Government of Haiti controls their activities. There are widespread and credible reports of serious human rights abuses by these security forces.

Special Investigative Unit (SIU)

The much-trumpeted Special Investigative Unit (SIU) of the Haitian National Police is woefully ill-prepared to undertake the criminal investigations with which it has been charged.

SIU investigators have no more than one week of specialized training in skills necessary to conduct criminal investigations.

The SIU is only at 25 percent of the strength proposed by the U.S., and has yet to receive any of the 100 percent increase in investigators promised by the Haitian government. The SIU currently consists of only 10 officers, charged with more than 80 cases.

SIU investigators do not have access to vehicles, communications equipment, office supplies, and basic investigative equipment. The SIU received office space large enough and secure enough to accommodate its needs.

The work of the SIU has been severely compromised by the presence of three American attorneys and one American ''investigator'' closely identified with many who have publicly and regularly questioned the overwhelming evidence of Haitian government involvement in extrajudicial killings. These individuals are paid by the government of Haiti on terms they refused to disclose to the staff delegation, and have had total access to all SIU investigative files. Prior to the arrival of two American contractors hired by the Department of State to work with the SIU, all SIU investigations were supervised and controlled by these lawyers.

U.S. Embassy officials did not comprehend or report on the significance of critical issues relating to extrajudicial killings, including crucial developments at the Special Investigative Unit (SIU) of the Haitian National Police. The Embassy official responsible for police issues visited the SIU less than once a month since its creation in October, 1995.

Even if the American lawyers and ''investigator'' who have tainted SIU actions to date are physically removed and receive no further access to SIU investigators and information, severe damage has already compromised the activities of the SIU on the most important cases. One lawyer was present for the December, 1995 FBI briefing of Haitian government officials on the Bertin case, and all SIU files have already been available for their unlimited perusal.

It is unclear why the vast majority of the SIU's caseload involves crimes from the de facto years. These cases were the subject of the Truth Commission report, and these crimes were an important factor leading to U.S. intervention. It is also unclear why, in light of the decision to include cases prior to September 1994, cases from the first seven months of President Aristide's rule were excluded.

Narcotics

For years, endemic corruption and unpatrolled borders, water, and ports have made Haiti a prime target for the smuggling of illicit drugs. After months of inaction under Aristide, the new Haitian government has named a chief of its anti-narcotics unit. The police chief has promised but not yet delivered adequate nationwide staffing or resources. Members of the inexperienced police force will require basic investigative and anti-drug training. A full time DEA office and a State Department Narcotics Assistance Section resident in Miami is moving to implement training and cooperation plans.

Judicial reform

Haiti's judicial system is almost completely dysfunctional. Despite more than $3

million in AID assistance already obligated (AID has programed $18 million through FY 1999), even the most basic training and equipment needs remain unmet. While AID claims that 400 judges and prosecutors have benefited from short-term training seminars, AID has ''detected a steady pattern of judges selected by the Ministry for training only to be fired shortly after—or even during—the two week course.'' Even if HNP investigations bring prosecutions against those responsible for the politically motivated murders, it is unlikely that the judicial system can swiftly, much less impartially, act on these cases.

CLINTON ADMINISTRATION POLITICIZATION OF HAITI POLICY

The Clinton Administration has conducted a sustained and coordinated inter-agency effort designed to blame the legislative branch for the shortcomings of its own policies in Haiti. By repeatedly seeking to politicize Haiti policy, the Clinton Administration has done a disservice to the appropriate role of Congress and, more importantly, to the Haitian people. It has also, as a result of systematic obfuscation, kept its own program managers in the dark about these matters, risking the effectiveness of important programs.

The staff delegation heard numerous examples of incomplete, inaccurate, and intentionally misleading information about the role of Congress provided by Clinton Administration officials in Washington to staff, the AID mission, government of Haiti officials and the Haitian business community.

The Embassy and senior Administration officials have repeatedly stated that they welcome Congressional pressure because it leverages their pressure on the Haitian government. Unfortunately, the staff delegation found an absence of pressure by the Administration unless there was Congressional interest.

While senior AID officials assert that Congress is responsible for delays in providing police training programs in Haiti, State Department officials take credit for suspending police training assistance because of the presence of alleged criminals in senior police positions. ICITAP officials in Haiti were not informed of key policy decisions impacting police training programs nor the basis for such decisions.

Senior Administration officials in Washington also criticize Congress for failing to make available funding for certain AID projects in Haiti, yet they conceal the complete picture of serious problems with U.S. assistance programs in Haiti.

While criticizing Congressional concerns about $4.2 million in development assistance programs alleged to be ''humanitarian'', AID itself has delayed obligation of more than $5.5 million for similar programs because of serious concerns about the competence of the Haitian cabinet minister responsible for administering these funds.

AID, not Congress, has withheld since 1995 a $4.6 million cash transfer to the Haitian treasury because of that government's failure to meet mutually-agreed upon privatization goals.

AID officials have criticized a congressional hold on an environmental project known as ''Agricultural Sustainable Systems and Environmental Transformations'' (ASSET). Yet at a bipartisan congressional staff briefing in February, 1996, AID officials stated that they intended to withdraw the project altogether because, according to internal AID documents, the project ''has been stymied'' by the Haitian Ministry of Environment. Other AID electronic mail messages reveal that AID did not withdraw the project because AID's Assistant Administrator of Latin America and the Caribbean sought political advantage in blaming Congress for holding up the project.

In Washington, the Administrator of AID blames Congress for withholding humanitarian aid, but in Haiti, AID internal documents state that ''the $50 million Health Systems 2004 Project ''is languishing'' because of problems with the Haitian Minister of Health.

The impact of the ''Dole Amendment'' has been consistently misrepresented by officials in Washington and within the U.S. Embassy in Haiti. Despite the clear exemptions for humanitarian and electoral assistance, numerous Haitian and U.S. officials have been informed—incorrectly—that the ''Dole Amendment'' is responsible for delays in such programs.

DEMOCRATIZATION AND POLITICAL ISSUES

Haiti's political power struggle

In a striking and profound reversal, U.S. and international officials in Haiti now argue that the Preval government deserves U.S. support in order to prevent former President Aristide from thwarting important policy objectives, especially on economic and judicial reform. The staff delegation consistently heard numerous officials cite policy initiatives—moribund under the Aristide government—which could actually proceed under the Preval government if U.S. and international support were provided. Such criticisms of the Aristide regime, voiced now in retrospect, were not voiced when they could have made a difference.

Although Lavalas formally controls the executive, legislative and judicial branches of government, a three way struggle for political power is thought to be underway in Haiti: President Preval has the government, Gerard Pierre Charles has the Lavalas political organization, and former President Aristide has the popular support. Unfortunately, while President Preval's stated objectives most closely match U.S. policy goals, he is the weakest of the three contenders.

Presidential elections

Presidential elections were held on December 17, 1995. Aristide's hand-picked successor, Rene Preval, won 80 percent of the vote with only 25 percent of eligible voters casting ballots. Preval campaigned as Aristide's ''twin,'' touting ''Five More Years of Lavalas.'' Although these elections were run more efficiently than the controversial June 25 parliamentary balloting, a level playing field did not exist. Aristide's Lavalas movement dominated the Provisional Electoral Council (CEP) on national and regional levels. Lavalas partisans routinely harassed opposition figures, driving some center-to-right leaders out of the country altogether. The presidential filing deadline coincided with widespread political riots, incited by President Aristide's November 11, 1995 eulogy for slain parliamentarian Jean Hubert Feuille.

Opposition parties, whose many valid complaints about the parliamentary elections were unheeded, boycotted the elections altogether. What remained of the ''independent media'' (where radio is most important) practiced ''self-censorship,'' avoiding stories that might offend Lavalas partisans. And, international observers (including the United States government, the OAS, and the UN), in a rush to vindicate their mission, rubber-stamped the parliamentary and presidential results.

The 1995 elections

Haiti's series of elections in 1995 were deeply flawed and did little to advance genuine democracy in Haiti. The egregious flaws before, during and after the June, August, September and November elections cast a serious and lingering cloud over the limited progress toward democratic pluralism in Haiti.

The democratic opposition in Haiti is demoralized and fragmented. U.S. credibility with the democratic opposition never recovered from two serious blows: refusal to acknowledge systematic problems before the June 25 elections; and the rapid U.S. stamp of approval issued the day of the elections before the polls closed by the head of the official U.S. observer delegation, AID Administrator J. Brian Atwood. Overwhelming evidence of insecure ballots, candidate exclusion and a host of other problems has been detailed comprehensively by the International Republican Institute and the Carter Center. AID documents published recently have dropped the word ''fair'' from its descriptions of the 1995 electoral process.

A U.S. government-brokered accord between the democratic opposition and Aristide government after the June 25 elections were belated, and ultimately ineffective. The most significant potential breakthrough in these negotiations was halted by President Aristide's own intransigence.

There still has not been a full and satisfactory accounting of all U.S. election support assistance in 1995 (in excess of $12 million). Because of this failure, AID has no funds programmed for the 1996 Territorial Assembly and Senate elections and refuses to provide any election support until the United Nations and the Haitian Provisional Electoral Council (CEP) undertake and release a complete accounting of all USAID funds in the Haitian Election Trust Fund.

Haitian Parliament

The Lavalas-dominated bicameral parliament has demonstrated unusual independence from the executive branch by rejecting Aristide's choice for police chief, negotiating prime minister and cabinet candidates, and scrutinizing Preval's budget request. Preval is moving slowly to educate and inform a skeptical, populist Parliament that will be called upon, within a few months, to consider budget cuts, civil service reform, privatization of state enterprises, among others. Many parliamentarians have no government experience, and the institution has no research staff or facilities to carry out basic analytical or deliberative functions. For these reasons, despite the guarded optimism about the Preval government's commitment to economic reform, the parliament may prove to be a battleground—and a bottleneck.

INTERNATIONAL PRESENCE

O.A.S./U.N. civilian monitoring mission in Haiti (MICIVIH)

A case has been made for a continued international presence in Haiti after the expiration of the UNMIH II and MICIVIH mandates, but it is by no means certain that extension of either of these operations under their current mandate is the best form for such a presence to take.

MICIVIH's current mandate expires on May 31 and an internal U.N. Security Council dispute may preclude extension. In its current scaled-down form, MICIVIH has 64 observers in Haiti (each paid $5–6000 monthly) down from a peak of 170, and has 7 offices down from a peak of 12. MICIVIH currently spends almost $600,000 monthly.

MICIVIH has adopted a passive role in observing human rights conditions in Haiti, with the mission's director describing conditions today as ''relatively quiet.'' MICIVIH has identified more than 20 murders in the past year as ''commando-style executions'', the victims of which include political opposition leaders and business persons. U.S. officials acknowledge publicly that several of these killings are linked and that Haitian

government officials appear to have been involved in the murders and the subsequent cover-up. MICIVIH, which played an activist role when the de facto regime held power, has made little effort to press the Haitian government for investigation or prosecution of these killings.

U.S. MILITARY PRESENCE

All U.S. military forces associated with UNMIH operation are scheduled to leave Haiti by April 23. The U.S. bilateral military engineering, medical, and civil affairs exercise ''Fairwinds'', consisting of active duty and reserve forces, will continue through 1997.

The U.S. military continues to provide important engineering and civil works support in Haiti. Despite the persistent refusal of the government of Haiti to respond to requests about priority projects, the U.S. military has undertaken a series of successful civil works efforts to rehabilitate roads, sewers, schools and health clinics.

The Administration recently decided to keep two Chinook heavy-lift helicopters and 40 personnel in Haiti to support the Canadian contingent of UNMIH through May 10. After that, a U.S. contractor will operate helicopters in support of UNMIH forces. On April 10, 1996, the State Department notified Congress of its intent to finance the air support (at least $1.2 million during the next six months) from its voluntary peacekeeping account.

ECONOMY AND DEVELOPMENT

Haitian Economy

The Haitian economy remains highly dependent on foreign assistance, including food aid, and remittances from Haitians living abroad; at least 65 percent of the 1995 budget was provided by international assistance. Despite attempts to promote private investment, adverse internal political developments have reinforced foreign and Haitian investor concerns about the political and security outlook in Haiti. The 1985 level of private investment in Haiti—a very low baseline —is not likely to be restored in this century.

A major problem for Haitians seeking to break their nation's cycle of misgovernance and poverty is the simple fact that revenues (at about 3 percent of GDP) do not come close to the admittedly inadequate level of government spending (about 7 percent of GDP). Ambitious U.S. Embassy and AID attempts to ''irreversibly and fundamentally change Haitian society'' through projects aimed at Haitian institutions over several years will fail if Haiti cannot pay its government workers and police. They will also fail if Haiti cannot correct its macroeconomic policy. Sustainable development is a distant dream under these circumstances.

Privatization

President Preval renewed the commitments he made in Washington, D.C. in late March 1996 to resume the privatization program halted by former President Aristide in October 1995. Whether the new President can overcome strident opposition to privatization from his predecessor and a skeptical parliament remains to be seen.

An ambitious schedule for comprehensive economic reforms calls for negotiations between the Preval Government and international donors to begin on April 15, possibly resulting in signed agreements by the end of May. The untested new Haitian Minister of Finance and the remaining Preval economic team will have to stretch their limited political mandate and untested political skills to the limit if there is to be hope of reaching agreements acceptable to both Washington and the Lavalas coalition.

Privatization will continue to be a major sticking point. Both the U.S. and the World Bank appear to be insisting on completion of the process of turning over to private management on a lease basis the local flour mill and cement plant—both of which are idle. Both became symbols of Aristide's resistance to economic reform when he refused to open bids for management of the mill and plant in October 1995. This led to the resignation of reformist Prime Minister Smarck Michel, and the termination of nascent economic recovery in the months since.

At the beginning of April, some elements of Haiti's economic team were searching for a way to proceed with privatization while taking into account popular resistance to the concept. A draft proposal would accelerate the outright sale of 50 percent of the flour mill and cement plant. The remaining 50 percent would be assigned to a holding company representing local authorities who could eventually benefit from any distributed profits.

Bureaucratic waste, fraud and corruption continue to be a major drag on the Haitian government. More than 90 percent of the entire Haitian budget is dedicated to salaries, and up to 30 percent of the Haitian civil service consists of ''phantom'' employees drawing 50 percent of the payroll.

International financial institutions

The International Monetary Fund (IMF), the World Bank, and the Inter-American Development Bank (IDB) are committing far more economic resources to Haiti than the major bilateral donors, the United States, Canada, and France. About $230 million was made available by the IFIs in 1995 through the simple device of releasing funds frozen during Aristide's exile. An equal or greater amount is scheduled for 1996. Of course, the military costs absorbed by the United States and Canada in restoring President Aristide have not been taken into account when measuring bilateral foreign aid contributions.

More than $100 million in IFI assistance is frozen because of the Haitian government's refusal to meet mutually-agreed upon privatization goals.

The IMF and World Bank are approaching their 1996 negotiations with the Preval Government with some determination to avoid repeating the exceptional procedures used to disburse funds to the Aristide Government in early 1995. Those loans lacked specific conditions and were heavily front-loaded, precluding any opportunity to match promises with performance.

By summer, IMF and World Bank disbursements will be needed in order to meet GOH payrolls and balance of payments requirements. Without a viable economic reform package in place by June 1, that schedule will not be met. Any delays or breakdown in negotiations with the IFIs will result in a renewal of Clinton Administration efforts to fill the resulting budget gap through use of bilateral ESF, of which up to $60 million may remain from the 1996 appropriation. Much of the ESF for Haiti is now allocated to projects.

The IDB representative in Haiti may be more willing than his IFI counterparts to advance up to $350 million in additional concessional loans to the Preval Government. He appeared to measure success by the level of loans committed, not their contribution to sound policies in Haiti. It should be noted that the IDB and the World Bank were willing to co-finance public works projects in Haiti undertaken by U.S. armed forces engineers when AID appeared unable to do so.

AID mission in Haiti

Many AID projects do not meet the basic criteria of ''sustainability''. For example, according to an internal AID evaluation of its community development projects in one area of Port-au-Prince, a majority either failed or were unsustainable. AID's internal auditor notes in the case of renovations to the school, Ecole La Sanctification, ''This was a gift, not a project!'' and for another project AID writes, ''This project was a one time affair without a sustainable component towards development.''

AID's sole contribution to privatization in Haiti has been a $2 million grant to the International Finance Corporation to fund IFC-sponsored reports and, according to AID, a ''public awareness campaign''. In light of the strong—and ill-informed—public opposition to privatization in Haiti, any public awareness campaign has failed.

Through AID's new ''Results Review and Resource Requirements'' (''R4'') process, it is difficult to assess AID's successes and failures since AID now claims credit for projects in which it has no financial or technical stake. For example, AID claims it ''assisted the U.S. military. . .to identify infrastructure projects.'' Senior U.S. military officials claim that no collaboration exists between the U.S. military and USAID. Further, the project in question, repairs to Harry Truman Blvd.—the city's main thoroughfare which runs in front of the U.S. Embassy—were paid for by the Inter-American Development Bank.

As part of its short term jobs program, AID contracted to develop a data-base of Haitians and Haitian-American residents with marketable technical skills. An AID contractor was paid to develop the skills bank database, which includes 1,171 listings, and it completed its work in October 1995. Despite AID's purported goal of the project which was ''rapid mobilization of individuals'', today—five months later—no part of the data-base has been made available to the Haitian government or local organizations.

AID lacks innovative methods for dealing with the critical problems facing Haiti. For example, AID's ASSET project seeks to plant more trees in Haiti, continuing a program which has resulted in the planting of 90 million trees over 15 years. Regrettably, there is little evidence that additional tree planting will be effective since Haitians continue the massive deforestation of their country at a rate of 30 million trees annually.

AID's grantee to work with the Parliament, has little experience working with legislatures or working with Haiti, is moving slowly in its critical work. A previous contractor with extensive experience in Haiti and in parliamentary development, was dropped by AID, apparently because of the contractor's previous work with the democratic opposition to President Aristide.

AID takes credit for a training program for 3,000 demobilized enlisted former members of the Haitian armed forces (FAd'H), and for 2,400 ex-members of Interim Public Security Force. While AID claims 2,800 ''employment opportunities with private employers have been identified,'' AID documents omit the fact that less than 4 percent of the former FAd'H members have actually found employment. AID officials also reportedly boycotted graduation ceremonies for the former FAd'H trainees for ideological reasons.

U.N. development program

As with all UNDP projects, it is difficult to determine their success, failure or sustainability since nearly all of UNDP projects are subcontracted out to other United Nations agencies or to private contractors to provide ''technical assistance.'' Staff did learn that UNDP's contribution to Haitian privatization consisted of a single technical report, which, despite 15 months of preparation and review, has not yet been submitted to the government of Haiti nor disseminated to the private sector. The U.S. Embassy also remains at odds with UNDP over a prison reform project, repeatedly yet unsuccessfully

urging UNDP to do more than offer seminars.

Staff visited a $10,000 pilot project designed by UNDP to teach rural farmers basic agricultural methods to alleviate soil erosion from hillside farming. It is curious that UNDP is only now undertaking a pilot project of this nature since environmental destruction due to this method of farming has been evident in Haiti for decades.

RECOMMENDATIONS

Rule of Law

Haitian National Police

The Government of Haiti should immediately demonstrate its commitment to the Haitian National Police and the Special Investigative Unit. President Preval's visit to the SIU immediately after the delegation left Haiti was a positive step—unfortunately, the visit was not well-coordinated and no one was at the unit's headquarters during the visit.

ICITAP should repair the critical flaws apparent in its Haiti training program, especially in supervisory and investigative personnel, revising future training programs it carries out. The desperate lack of trained supervisory and investigatory personnel must also be immediately addressed if the Haitian National Police and its specialized units are ever to operate effectively. Both shortages should have been foreseen much earlier, and should be addressed in future ICITAP programs.

Visas to enter the United States should be immediately withdrawn for all current or former Haitian officials suspected on the basis of credible evidence to be involved in extrajudicial killings or other gross violations of human rights until they are formally cleared by the Haitian judicial system.

In light of the fact that the report required by the ''Dole Amendment'' cannot be honestly made, U.S. assistance to the government of Haiti must be immediately reviewed, and all ongoing assistance programs, except for legitimate humanitarian or electoral assistance, to the government should be suspended pending the outcome of the review.

Special Investigative Unit

No further assistance to the HNP or the SIU should be obligated or expended until the following conditions have occurred:

A credible, respected head of the SIU is appointed.

A full-time prosecutor is assigned to the SIU.

Additional investigators are assigned to the unit, reflecting the U.S. preference for 40 full-time investigators.

Priority in manpower and other resources is given to cases of extrajudicial killing after the return of former President Aristide.

Access to SIU investigations, investigators and material is completely and demonstrably denied to the American lawyers and ''investigator'' who have been working with the SIU or anyone else who might compromise the integrity of the investigations.

If the above conditions have been met, and after prior consultation with Congress, ICITAP should move immediately to augment training and technical assistance for the Inspector General of the HNP and the Special Investigative Unit, including forensics, communication and other much-needed aid.

After the modus operandi of the SIU is clearly defined to ensure the security of sensitive material, the FBI should cooperate fully, including sharing complete files, with the U.S. SIU contractors to ensure timely access to all evidence and reports needed to conduct a thorough investigation of extrajudicial killings.

U.S. Embassy

The Embassy must make human rights a priority. The Embassy should immediately reconstitute its human rights fund to assist victims of political violence and their families. The Embassy should assume responsibility for monitoring, gathering information and reporting on extrajudical killings, including the murders of Mireille Bertin, Jean Hubert Feuille, Michael Gonzalez, and those killed in the Cite Soleil massacre.

The Inspectors General at the Department of Defense and the Department of State, the General Accounting Office and the U.S. Congress should conduct independent investigations into the reasons why no U.S. government official warned Mireille Durocher Bertin of an assassination plot against her involving senior Haitian government officials, despite possessing clear and credible information of such a plot. The investigation should include the role of U.S. Embassy and U.S. Armed Forces personnel in the decision not to directly inform Bertin about the assassination plot.

Politicization

The Administration should cooperate fully with all Congressional Committee requests for documents related to U.S. policy in Haiti. Timely responses to all Congressional requests for information regarding the Administration's policies in Haiti would be a positive, good faith step in restoring bipartisan cooperation in Haiti.

Administration officials should end their intentional mischaracterizations of the ''Dole Amendment'' and should make available to the U.S. Embassy, the USAID mission in Haiti, the government of Haiti, nongovernmental organizations and the media accurate information about the reasons for the withholding of U.S. assistance.

Economy and development

AID and assistance issues

AID should not consider releasing the Fiscal Year 1995 $4.6 million cash transfer to the government of Haiti until true privatization has taken hold. Under current circumstances, the staff delegation does not foresee the situation in Haiti improving to the point at which there would be justification for releasing any Fiscal Year 1996 funds for balance of payments support. Without swift action by the government of Haiti to substantially cut its civil service payroll, any U.S. balance of payments support will only be wasted.

Congress should not approve any additional Administration requests to use scarce ESF funds in Haiti until a sustainable economic reform program has been implemented. Congress should also carefully monitor the use of the $60 million in ESF made available from the FY 1996 appropriation.

Given that AID claims it cannot move forward on its ASSET project due to government of Haiti intransigence, AID should immediately withdraw this Congressional Notification.

AID should immediately terminate projects which are not sustainable. While many of the short term jobs programs and training aid have given the perception that Haiti's economy is progressing and that AID's efforts in this area have been successful, that is simply not the case. As seen by the staff delegation, when AID resources for these projects are exhausted, the projects have failed.

Privatization

The Government of Haiti must accelerate the rate of privatization. Privatizing the cement factory and the flour mill, while important, should not represent the culmination of the government's efforts, rather they should serve as a useful first step catalysts to further privatization.

The International Financial Institutions should hold firm on their insistence on steps toward privatization, requiring that reforms be enacted before assistance is disbursed. Congress should carefully review the 1997 request for the IADB's Fund for Special Operations to ensure that its use in Haiti would not result in the postponing of economic and civil service reform and privatization. Further, U.S. executive directors at these institutions should use significant American leverage, including their voice and vote, to ensure that reforms precede assistance.

Democratization and politics

AID must intensify its effort to provide material and technical support so the Parliament can function as efficiently as possible. Current delays, in large part due to AID's change of contractor midstream, should be immediately resolved. Support should include timely, practical assistance on substantive issues which are expected to be taken up by the Parliament soon.

AID should demand a full and complete accounting from the United Nations and the government of Haiti for all U.S. assistance provided for the 1995 elections. No additional election assistance should be provided until this accounting is made public and made available to Congress.

International presence

The MICIVIH mission should not divert all its attention toward long-term institution building in Haiti at this time, rather it should be more aggressive in its basic human rights monitoring and reporting activities. MICIVIH should further press the Preval government to investigate all human rights violations, especially those cases under the investigative jurisdiction of the SIU and the Truth Commission.

ORDERS FOR MONDAY, APRIL 22, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. on Monday, April 22; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date; no resolutions come over under the rule; the call of the calendar be dispensed with; the morning hour be deemed to have expired; the time for the two leaders be reserved for their use later in the day; and that there then be a period for morning business until the hour of 2 p.m. with Senators to speak for up to 5 minutes each with the first 90 minutes under the control of Senator DASCHLE, or his designees, and the last 90 minutes under the control of Senator COVERDELL, or his designee; further, that at the hour of 2 p.m. the Senate resume consideration of Calendar No. 201, Senate Joint Resolution 21 regarding a constitutional amendment to limit congressional terms.

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

Mr. DOLE. I further ask unanimous consent that following the 2:15 p.m. cloture vote on Tuesday, notwithstanding rule XXII, the Senate proceed to the vote on final passage of the health insurance reform bill, H.R. 3103.

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

Mr. DOLE. I further ask unanimous consent that at 12 noon on Tuesday, April 23, there be 30 minutes equally divided in the usual form with respect to closing remarks on the health insurance reform bill which was considered and debated throughout yesterday's session of the Senate.

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

PROGRAM

Mr. DOLE. I just say for the information of all Senators and members of their staffs, we will convene at 11 o'clock on Monday. There will be 3 hours of morning business, and following morning business the Senate will then resume consideration of term limits legislation. No rollcall votes will occur during Monday's session of the Senate. Senators are reminded that under rule XXII all first-degree amendments to the term limits legislation must be filed with the clerk by 1 p.m. on Monday. Second-degree amendments must be filed no later than 1 hour prior to the cloture vote on Tuesday.

Since the Senate will be in recess for the weekly party caucuses to meet, I now ask unanimous consent that Members have until 12:30 p.m. on Tuesday, April 23, to file their second-degree amendments to the term limits legislation.

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

Mr. DOLE. When the Senate completes debate on Monday, it will resume consideration of the term limits legislation Tuesday morning until 12 noon. No rollcall votes will occur during Tuesday's session prior to the hour of 2:15 p.m.

At 2:15 p.m. on Tuesday, two votes will occur back to back, the first being a cloture vote with respect to the term limits legislation, and the second vote will be on passage of the health insurance reform bill. Senators are encouraged to debate the term limits legislation during the session of the Senate on Monday and Tuesday morning. The Senate may also be asked to turn to any other legislative items to be cleared for action.

Unless there is some objection, I ask unanimous consent that that second vote be limited to 10 minutes.

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

Mr. DOLE. I am not certain what we will have to do after the vote, depending on whether cloture is obtained. If it is not obtained, we may move on to other business. We could go back to the immigration bill. I am not certain of that. But we would like to stay on schedule, and we need to complete action on the immigration bill.

Let me indicate there is widespread support all across America, nonpartisan, bipartisan support for immigration reform, and I hope we can complete action on that bill sometime next week.

ADJOURNMENT UNTIL 11 A.M. MONDAY, APRIL 22, 1996

Mr. DOLE. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:50 p.m., adjourned until Monday, April 22, 1996, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 19, 1996:

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD TO BE MEMBERS OF THE PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY IN THE GRADE OF LIEUTENANT COMMANDER:

VINCENT WILCZYNSKI JOHN B. MC DERMOTT

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY IN THE GRADE OF LIEUTENANT:

JAMES R. DIRE

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WESLEY K. CLARK, 000–00–0000, U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE STAFF CORPS IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. ALBERTO DIAZ, JR., 000–00–0000, U.S. NAVY.

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. DAVID P. KELLER, 000–00–0000, U.S. NAVY.

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

CAPT. PETER W. MARSHALL, 000–00–0000, U.S. NAVY.

IN THE AIR FORCE

THE FOLLOWING CADETS, U.S. MILITARY ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANT IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 531 AND 541, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

RYAN C. BERRY, 000–00–0000
MATTHEW K. BRANDT, 000–00–0000
IAN S. CURRIER, 000–00–0000
STEPHEN P. PIRNER, 000–00–0000
JAMAR D. SCOTT, 000–00–0000
GERALD T. YAP, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE:

ARMY COMPETITIVE

To be lieutenant colonel

ROBERT A. CHILDERS, 000–00–0000

THE FOLLOWING-NAMED INDIVIDUALS FOR A RESERVE OF THE ARMY APPOINTMENT, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203, 12204, 3353 AND 3359:

MEDICAL CORPS

To be lieutenant colonel

CARL E. DAWKINS, JR., 000–00–0000
JOHN B. LEARY, 000–00–0000
LEON I. STEINBERG, 000–00–0000

EXTENSIONS OF REMARKS

PROVIDING FOR CONSIDERATION OF H.R. 3136, CONTRACT WITH AMERICA ADVANCEMENT ACT OF 1996

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 28, 1996

Mr. HYDE. Mr. Speaker, I submit for the RECORD a summary of the Small Business Regulatory Enforcement Fairness Act, included in H.R. 3136.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT VIEWS OF THE HOUSE COMMITTEES OF JURISDICTION ON THE CONGRESSIONAL INTENT REGARDING THE ''SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT OF 1996''

I. SUMMARY OF THE LEGISLATION

The Hyde amendment to H.R. 3136 replaced Title III of the Contract with America Advancement Act of 1996 to incorporate a revised version of the Small Business Regulatory Enforcement Fairness Act of 1996 (the ''Act'). As enacted, Title III of H.R. 3136 became Title II of Public Law 104-121. This legislation was originally passed by the Senate as S. 942. The Hyde amendment makes a number of changes to the Senate bill to better implement certain recommendations of the 1995 White House Conference on Small Business regarding the development and enforcement of Federal regulations, including judicial review of agency actions under the Regulatory Flexibility Act (RFA). The amendment also provides for expedited procedures for Congress to review agency rules and to enact Resolutions of Disapproval voiding agency rules.

The goal of the legislation is to foster a more cooperative, less threatening regulatory environment among agencies, small businesses and other small entities. The legislation provides a framework to make federal regulators more accountable for their enforcement actions by providing small entities with an opportunity for redress of arbitrary enforcement actions. The centerpiece of the legislation is the RFA which requires a regulatory flexibility analysis of all rules that have a ''significant economic impact on a substantial number'' of small entities. Under the RFA, this term ''small entities'' includes small businesses, small non-profit organizations, and small governmental units.

II. SECTION-BY-SECTION ANALYSIS

Section 201

This section entitles the Act the ''Small Business Regulatory Enforcement Fairness Act of 1996.'

Section 202

This section of the Act sets forth findings as to the need for a strong small business sector, the disproportionate impact of regulations on small businesses, the recommendations of the 1995 White House Conference on Small Business, and the need for judicial review of the Regulatory Flexibility Act.

Section 203

This section of the Act sets forth the purposes of this legislation. These include the need to address some of the key Federal regulatory recommendations of the 1995 White House Conference on Small Business. The White House Conference produced a consensus that small businesses should be included earlier and more effectively in the regulatory process. The Act seeks to create a more cooperative and less threatening regulatory environment to help small businesses in their compliance efforts. The Act also provides small businesses with legal redress from arbitrary enforcement actions by making Federal regulators accountable for their actions. Additionally, the Act provides for judicial review of the RFA.

Subtitle A—Regulatory Compliance Simplification

Agencies would be required to publish easily understood guides to assist small businesses in complying with regulations and provide them informal, non-binding advice about regulatory compliance. This subtitle creates permissive authority for Small Business Development Centers to offer regulatory compliance information to small businesses and to establish resource centers to disseminate reference materials. Federal agencies are directed to cooperate with states to create guides that fully integrate Federal and state regulatory requirements on small businesses.

Section 211

This section defines certain terms as used in this subtitle. The term ''small entity'' is currently defined in the RFA (5 U.S.C. 601) to include small business concerns, as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a)) small nonprofit organizations and small governmental jurisdictions. The process of determining whether a given business qualifies as a small business is straightforward, using size standard thresholds established by the SBA based on Standard Industrial Classification codes. The RFA also defines small organization and small governmental jurisdiction (5 U.S.C. 601). Any definition established by an agency for purposes of implementing the RFA would also apply to this Act.

Section 212

This section requires agencies to publish ''small entity compliance guides'' to assist small entities in complying with regulations which are the subject of a final regulatory flexibility analysis. The bill does not allow judicial review of the guide itself. However, the agency's claim that the guide provides ''plain English'' assistance would be a matter of public record. In addition, the small business compliance guide would be available as evidence of the reasonableness of any proposed fine on the small entity.

Agencies should endeavor to make these ''plain English'' guides available to small entities through a coordinated distribution system for regulatory compliance information utilizing means such as the SBA's U.S. Business Advisor, the Small Business Ombudsman at the Environmental Protection Agency, state-run compliance assistance programs established under section 507 of the Clean Air Act, Manufacturing Technology Centers or Small Business Development Centers established under the Small Business Act.

Section 213

This section directs agencies that regulate small entities to answer inquiries of small entities seeking information on and advice about regulatory compliance. Some agencies already have established successful programs to provide compliance assistance and the amendment intends to encourage these efforts. For example, the IRS, SEC and the Customs Service have an established practice of issuing private letter rulings applying the law to a particular set of facts. This legislation does not require other agencies to establish programs with the same level of formality as found in the current practice of issuing private letter rulings. The use of toll free telephone numbers and other informal means of responding to small entities is encouraged. This legislation does not mandate changes in current programs at the IRS, SEC and Customs Service, but these agencies should consider establishing less formal means of providing small entities with informal guidance in accordance with this section.

This section gives agencies discretion to establish procedures and conditions under which they would provide advice to small entities. There is no requirement that the agency's advice to small entities be binding as to the legal effects of the actions of other entities. Any guidance provided by the agency applying statutory or regulatory provisions to facts supplied by the small entity would be available as relevant evidence of the reasonableness of any subsequently proposed fine on the small entity.

Section 214

This section creates permissive authority for Small Business Development Centers (SBDC) to provide information to small businesses regarding compliance with regulatory requirements. SBDCs would not become the predominant source of regulatory information, but would supplement agency efforts to make such information widely available. This section is not intended to grant an exclusive franchise to SBDC's for providing information on regulatory compliance.

There are small business information and technical assistance programs, both Federal and state, in various forms throughout this country. Some of the manufacturing technology centers and other similar extension programs administered by the National Institute of Standards and Technology are providing environmental compliance assistance in addition to general technology assistance. The small business stationary source technical and environmental compliance assistance programs established under section 507 of the Clean Air Act Amendments of 1990 is also providing compliance assistance to small businesses. This section is designed to add to the currently available resources for small businesses.

Compliance assistance programs can save small businesses money, improve their environmental performance and increase their competitiveness. They can help small businesses learn about cost-saving pollution prevention programs and new environmental technologies. Most importantly, they can help small business owners avoid potentially costly regulatory citations and adjudications. Comments from small business representatives in a variety of fora support the need for expansion of technical information assistance programs.

Section 215

This section directs agencies to cooperate with states to create guides that fully integrate Federal and state requirements on

small entities. Separate guides may be created for each state, or states may modify or supplement a guide to Federal requirements. Since different types of small entities are affected by different agency regulations, or are affected in different ways, agencies should consider preparing separate guides for the various sectors of the small business community and other small entities subject to their jurisdiction. Priority in producing these guides should be given to areas of law where rules are complex and where the regulated community tend to be small entities. Agencies may contract with outside providers to produce these guides and, to the extent practicable, agencies should utilize entities with the greatest experience in developing similar guides.

Section 216

This section provides that the effective date for this subtitle is 90 days after the date of enactment. The requirement for agencies to publish compliance guides applies to final rules published after the effective date. Agencies have one year from the date of enactment to develop their programs for informal small entity guidance, but these programs should assist small entities with regulatory questions regardless of the date of publication of the regulation at issue.

Subtitle B—Regulatory Enforcement Reforms

This subtitle creates a Small Business and Agriculture Regulatory Enforcement Ombudsman at the Small Business Administration to give small businesses a confidential means to comment on and rate the performance of agency enforcement personnel. It also creates Regional Small Business Regulatory Fairness Boards at the Small Business Administration to coordinate with the Ombudsman and to provide small businesses a greater opportunity to come together on a regional basis to assess the enforcement activities of the various Federal regulatory agencies.

This subtitle directs all Federal agencies that regulate small entities to develop policies or programs providing for waivers or reductions of civil penalties for violations by small entities, under appropriate circumstances.

Section 221

This section provides definitions for the terms as used in the subtitle. [See discussion set forth under ''Section 211'' above.]

Section 222

The Act creates a Small Business and Agriculture Regulatory Enforcement Ombudsman at the SBA to give small businesses a confidential means to comment on Federal regulatory agency enforcement activities. This might include providing toll-free telephone numbers, computer access points, or mail-in forms allowing businesses to comment on the enforcement activities of inspectors, auditors and other enforcement personnel. As used in this section of the bill, the term ''audit'' is not intended to refer to audits conducted by Inspectors General. This Ombudsman would not replace or diminish any similar ombudsman programs in other agencies.

Concerns have arisen in the Inspector General community that this Ombudsman might have new enforcement powers that would conflict with those currently held by the Inspectors General. Nothing in the Act is intended to supersede or conflict with the provisions of the Inspector General Act of 1978, as amended, or to otherwise restrict or interfere with the activities of any Office of the Inspector General.

The Ombudsman will compile the comments of small businesses and provide an annual evaluation similar to a ''customer satisfaction'' rating for different agencies, regions, or offices. The goal of this rating system is to see whether agencies and their personnel are in fact treating small businesses more like customers than potential criminals. Agencies will be provided an opportunity to comment on the Ombudsman's draft report, as is currently the practice with reports by the General Accounting Office. The final report may include a section in which an agency can address any concerns that the Ombudsman does not choose to address.

The Act states that the Ombudsman shall ''work with each agency with regulatory authority over small businesses to ensure that small business concerns that receive or are subject to an audit, on-site inspection, compliance assistance effort, or other enforcement related communication or contact by agency personnel are provided with a means to comment on the enforcement activity conducted by such personnel.'' The SBA shall publicize the existence of the Ombudsman generally to the small business community and also work cooperatively with enforcement agencies to make small businesses aware of the program at the time of agency enforcement activity. The Ombudsman shall report annually to Congress based on substantiated comments received from small business concerns and the Boards, evaluating the enforcement activities of agency personnel including a rating of the responsiveness to small business of the various regional and program offices of each regulatory agency. The report to Congress shall in part be based on the findings and recommendation of the Boards as reported by the Ombudsman to affected agencies. While this language allows for comment on the enforcement activities of agency personnel in order to identify potential abuses of the regulatory process, it does not provide a mandate for the boards and the Ombudsman to create a public performance rating of individual agency employees.

The goal of this section is to reduce the instances of excessive and abusive enforcement actions. Those actions clearly originate in the acts of individual enforcement personnel. Sometimes the problem is with the policies of an agency, and the goal of this section is also to change the culture and policies of Federal regulatory agencies. At other times, the problem is not agency policy, but individuals who violate the agency's enforcement policy. To address this issue, the legislation includes a provision to allow the Ombudsman, where appropriate, to refer serious problems with individuals to the agency's Inspector General for proper action.

The intent of the Act is to give small businesses a voice in evaluating the overall performances of agencies and agency offices in their dealings with the small business community. The purpose of the Ombudsman's reports is not to rate individual agency personnel, but to assess each program's or agency's performance as a whole. The Ombudsman's report to Congress should not single out individual agency employees by name or assign an individual evaluation or rating that might interfere with agency management and personnel policies.

The Act also creates Regional Small Business Regulatory Fairness Boards at the SBA to coordinate with the Ombudsman and to provide small businesses a greater opportunity to track and comment on agency enforcement policies and practices. These boards provide an opportunity for representatives of small businesses to come together on a regional basis to assess the enforcement activities of the various federal regulatory agencies. The boards may meet to collect information about these activities, and report and make recommendations to the Ombudsman about the impact of agency enforcement policies or practices on small businesses. The boards will consist of owners, operators or officers of small entities who are appointed by the Administrator of the Small Business Administration. Prior to appointing any board members, the Administrator must consult with the leadership of the House and Senate Small Business Committees. There is nothing in the bill that would exempt the boards from the Federal Advisory Committee Act, which would apply according to its terms. The Boards may accept donations of services such as the use of a regional SBA office for conducting their meetings.

Section 223

The Act directs all federal agencies that regulate small entities to develop policies or programs providing for waivers or reductions of civil penalties for violations by small entities in certain circumstances. This section builds on the current Executive Order on small business enforcement practices and is intended to allow agencies flexibility to tailor their specific programs to their missions and charters. Agencies should also consider the ability of a small entity to pay in determining penalty assessments under appropriate circumstances. Each agency would have discretion to condition and limit the policy or program on appropriate conditions. For purposes of illustration, these could include requiring the small entity to act in good faith, requiring that violations be discovered through participation in agency supported compliance assistance programs, or requiring that violations be corrected within a reasonable time.

An agency's policy or program could also provide for suitable exclusions. Again, for purposes of illustration, these could include circumstances where the small entity has been subject to multiple enforcement actions, the violation involves criminal conduct, or poses a grave threat to worker safety, public health, safety or the environment.

In establishing their programs, it is up to each agency to develop the boundaries of their program and the specific circumstances for providing for a waiver or reduction of penalties; but once established, an agency must implement its program in an even-handed fashion. Agencies may distinguish among types of small entities and among classes of civil penalties. Some agencies have already established formal or informal policies or programs that would meet the requirements of this section. For example, the Environmental Protection Agency has adopted a small business enforcement policy that satisfies this section. While this legislation sets out a general requirement to establish penalty waiver and reduction programs, some agencies may be subject to other statutory requirements or limitations applicable to the agency or to a particular program. For example, this section is not intended to override, amend or affect provisions of the Occupational Safety and Health Act or the Mine Safety and Health Act that may impose specific limitations on the operation of penalty reduction or waiver programs.

Section 224

This section provides that this subtitle takes effect 90 days after the date of enactment.

Subtitle C—Equal Access to Justice Act Amendments

The Equal Access to Justice Act (EAJA) provides a means for prevailing parties to recover their attorneys fees in a wide variety of civil and administrative actions between eligible parties and the government. This Act amends EAJA to create a new avenue for parties to recover a portion of their attorneys fees and costs where the government

makes excessive demands in enforcing compliance with a statutory or regulatory requirement, either in an adversary adjudication or judicial review of the agency's enforcement action, or in a civil enforcement action. While this is a significant change from current law, the legislation is not intended to result in the awarding of attorneys fees as a matter of course. Rather, the legislation is intended to assist in changing the culture among government regulators to increase the reasonableness and fairness of their enforcement practices. Past agency practice too often has been to treat small businesses like suspects. One goal of this bill is to encourage government regulatory agencies to treat small businesses as partners sharing in a common goal of informed regulatory compliance. Government enforcement attorneys often take the position that they must zealously advocate for their client, in this case a regulatory agency, to the maximum extent permitted by law, as if they were representing an individual or other private party. But in the new regulatory climate for small businesses under this legislation, government attorneys with the advantages and resources of the federal government behind them in dealing with small entities must adjust their actions accordingly and not routinely issue original penalties or other demands at the high end of the scale merely as a way of pressuring small entities to agree to quick settlements.

Sections 231 and 232

H.R. 3136 will allow parties which do not prevail in a case involving the government to nevertheless recover a portion of their fees and cost in certain circumstances. The test for recovering attorneys fees is whether the agency or government demand that led to the administrative or civil action is substantially in excess of the final outcome of the case and is unreasonable when compared to the final outcome (whether a fine, injunctive relief or damages) under the facts and circumstances of the case.

For purposes of this Act, the term ''party'' is amended to include a ''small entity'' as that term is defined in section 601(6) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This will ensure consistency of coverage between the provisions of this subtitle and those of the Small Business Act (15 U.S.C. 632 (a)). This broadening of the term ''party'' is intended solely for purposes of the amendments to the EAJA effected under this subtitle. Other portions of the EAJA will continue to be governed by the definition of ''party'' as appears in current law.

The comparison called for in the Act is always between a ''demand'' by the government for injunctive and monetary relief taken as a whole and the final outcome of the case in terms of injunctive and monetary relief taken as a whole. As used in these amendments, the term ''demand'' means an express written demand that leads directly to an adversary adjudication or civil action. Thus, the ''demand'' at issue would be the government's demand that was pending upon commencement of the adjudication or action. A written demand by the government for performance or payment qualifies under this section regardless of form; it would include, but not be limited to, a fine, penalty notice, demand letter or citation. In the case of an adversary adjudication, the demand would often be a statement of the ''Definitive Penalty Amount.'' In the case of a civil action brought by the United States, the demand could be in the form of a demand for settlement issued prior to commencement to the litigation. In a civil action to review the determination of an administrative proceeding, the demand could be the demand that led to such proceeding. However, the term ''demand'' should not be read to extend to a mere recitation of facts and law in a complaint. The bill's definition of the term ''demand'' expressly excludes a recitation of the maximum statutory penalty in the complaint or elsewhere when accompanied by an express demand for a lesser amount. This definition is not intended to suggest that a statement of the maximum statutory penalty somewhere other than the complaint, which is not accompanied by an express demand for a lesser amount, is per se a demand, but would depend on the circumstances.

This test should not be a simple mathematical comparison. The Committee intends for it to be applied in such a way that it identifies and corrects situations where the agency's demand is so far in excess of the true value of the case, as compared to the final outcome, and where it appears the agency's assessment or enforcement action did not represent a reasonable effort to match the penalty to the actual facts and circumstances of the case.

In addition, the bill excludes awards in connection with willful violations, bad faith actions and in special circumstances that would make such an award unjust. These additional factors are intended to provide a ''safety valve'' to ensure that the government is not unduly deterred from advancing its case in good faith. Whether a violation is ''willful'' should be determined in accordance with existing judicial construction of the subject matter to which the case relates. Special circumstances are intended to include both legal and factual considerations which may make it unjust to require the public to pay attorneys fees and costs, even in situations where the ultimate award is significantly less than the amount demanded. Special circumstances could include instances where the party seeking fees engaged in a flagrant violation of the law, endangered the lives of others, or engaged in some other type of conduct that would make the award of the fees unjust. The actions covered by ''bad faith'' include the conduct of the party seeking fees both at the time of the underlying violation, and during the enforcement action. For example, if the party seeking fees attempted to elude government officials, cover up its conduct, or otherwise impede the government's law enforcement activities, then attorneys' fees and costs should not be awarded.

The Committee does not intend by this provision to compensate a party for fees and costs which it would have been expended even had the government demand been reasonable under the circumstances. The amount of the award which a party may recover under this section is limited to the proportion of attorneys' fees and costs attributable to the excessive demand. Thus, for example, if the ultimate decision of the administrative law judge or the judgment of the court is twenty percent of the relevant government demand, the defendant might be entitled to eighty percent of fees and costs. The ultimate determination of the amount of fees and costs to be awarded is to be made by the administrative law judge or the court, based on the facts and circumstances of each case.

The Act also increases the maximum hourly rate for attorneys fees under the EAJA from $75 to $125. Agencies could avoid the possibility of paying attorneys fees by settling with the small entity prior to final judgement. The Committee anticipates that if a settlement is reached, all further claims of either party, including claims for attorneys fees, could be included as part of the settlement. The government may obtain a release specifically including attorneys fees under EAJA.

Additional language is included in the Act to ensure that the legislation did not violate of the PAYGO requirements of the Budget Act. This language requires agencies to satisfy any award of attorneys fees or expenses arising from an agency enforcement action from their discretionary appropriated funds, but does not require that an agency seek or obtain an individual line item or earmarked appropriation for these amounts.

Section 233

The new provisions of the EAJA apply to civil actions and adversary adjudications commenced on or after the date of enactment.

Subtitle D—Regulatory Flexibility Act Amendments

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.), was first enacted in 1980. Under its terms, federal agencies are directed to consider the special needs and concerns of small entities—small businesses, small local governments, farmers, etc.—whenever they engage in a rulemaking subject to the Administrative Procedure Act. The agencies must then prepare and publish a regulatory flexibility analysis of the impact of the proposed rule on small entities, unless the head of the agency certifies that the proposed rule will not ''have a significant economic impact on a substantial number of small entities.''

Under current law, there is no provision for judicial review of agency action under the RFA. This makes the agencies completely unaccountable for their failure to comply with its requirements. This current prohibition on judicial enforcement of the RFA is contrary to the general principle of administrative law, and it has long been criticized by small business owners. Many small business owners believe that agencies have given lip service at best to the RFA, and small entities have been denied legal recourse to enforce the Act's requirements. Subtitle D gives teeth to the RFA by specifically providing for judicial review of selected sections.

Section 241

H.R. 3136 expands the coverage of the RFA to include Internal Revenue Service interpretative rules that provide for a ''collection of information'' from small entities. Many IRS rulemakings involve ''interpretative rules'' that IRS contends need not be promulgated pursuant to section 553 of the Administrative Procedures Act. However, these interpretative rules may have significant economic effects on small entities and should be covered by the RFA. The amendment applies to those IRS interpretative rulemakings that are published in the Federal Register for notice and comment and that will be codified in the Code of Federal Regulations. This limitation is intended to exclude from the RFA other, less formal IRS publications such as revenue rulings, revenue procedures, announcements, publications or private letter rulings.

The requirement that IRS interpretative rules comply with the RFA is further limited to those involving a ''collection of information.'' The term ''collection of information'' is defined in the Act to include the obtaining, causing to be obtained, soliciting of facts or opinions by an agency through a variety of means that would include the use of written report forms, schedules, or reporting or other record keeping requirements. It would also include any requirements that require the disclosure to third parties of any information. The intent of this phrase ''collection of information'' in the context of the RFA is to include all IRS interpretative rules of general applicability that lead to or result in small entities keeping records, filing reports or otherwise providing information to IRS or third parties.

While the term ''collection of information'' also is used in the Paperwork Reduction Act (44 U.S.C. 3502(4))(''PRA''), the purpose of the term in the context of the RFA is different than the purpose of the term in the PRA. Thus, while some courts have interpreted the PRA to exempt from its requirements certain recordkeeping requirements that are explicitly required by statute, such an interpretation would be inappropriate in the context of the RFA. If a collection of information is explicitly required by a regulation that will ultimately be codified in the Code of Federal Regulations (''CFR''), the effect might be to limit the possible regulatory alternatives available to the IRS in the proposed rulemaking, but would not exempt the IRS from conducting a regulatory flexibility analysis.

Some IRS interpretative rules merely reiterate or restate the statutorily required tax liability. While a small entity's tax liability may be a burden, the RFA cannot act to supersede the statutorily required tax rate. However, most IRS interpretative rules involve some aspect of defining or establishing requirements for compliance with the CFR, or otherwise require small entities to maintain records to comply with the CFR now be covered by the RFA. One of the primary purposes of the RFA is to reduce the compliance burdens on small entities whenever possible under the statute. To accomplish this purpose, the IRS should take an expansive approach in interpreting the phrase ''collection of information'' when considering whether to conduct a regulatory flexibility analysis.

The courts generally are given broad discretion to formulate appropriate remedies under the facts and circumstances of each individual case. The rights of judicial review and remedial authority of the courts provided in the Act as to IRS interpretative rules should be applied in a manner consistent with the purposes of the Anti-Injunction Act (26 U.S.C. 7421), which may limit remedies available in particular circumstances. The RFA, as amended by the Act, permits the court to remand a rule to an Agency for further consideration of the rule's impact on small entities. The amendment also directs the court to consider the public interest in determining whether or not to delay enforcement of a rule against small entities pending agency compliance with the court's findings. The filing of an action requesting judicial review pursuant to this section does not automatically stay the implementation of the rule. Rather, the court has discretion in determining whether enforcement of the rule shall be deferred as it relates to small entities. In the context of IRS interpretative rulemakings, this language should be read to require the court to give appropriate deference to the legitimate public interest in the assessment and collection of taxes reflected by the Anti-Injunction Act. The court should not exercise its discretion more broadly than necessary under the circumstances or in a way that might encourage excessive litigation.

If an agency is required to publish an initial regulatory flexibility analysis, the agency also must publish a final regulatory flexibility analysis. In the final regulatory flexibility analysis, agencies will be required to describe the impacts of the rule on small entities and to specify the actions taken by the agency to modify the proposed rule to minimize the regulatory impact on small entities. Nothing in the bill directs the agency to choose a regulatory alternative that is not authorized by the statute granting regulatory authority. The goal of the final regulatory flexibility analysis is to demonstrate how the agency has minimized the impact on small entities consistent with the underlying statute and other applicable legal requirements.

Section 242

H.R. 3136 removes the current prohibition on judicial review of agency compliance with certain sections of the RFA. It allows adversely affected small entities to seek judicial review of agency compliance with the RFA within one year after final agency action, except where a provision of law requires a shorter period for challenging a final agency action. The amendment is not intended to encourage or allow spurious lawsuits which might hinder important governmental functions. The Act does not subject all regulations issued since the enactment of the RFA to judicial review. The one-year limitation on seeking judicial review ensures that this legislation will not permit indefinite, retroactive application of judicial review.

For rules promulgated after the effective date, judicial review will be available pursuant to this Act. The procedures and standards for review to be used are those set forth in the Administrative Procedure Act at Chapter 7 of Title 5. If the court finds that a final agency action was arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law, the court may set aside the rule or order the agency to take other corrective action. The court may also decide that the failure to comply with the RFA warrants remanding the rule to the agency or delaying the application of the rule to small entities pending completion of the court ordered corrective action. However, in some circumstances, the court may find that there is good cause to allow the rule to be enforced and to remain in effect pending the corrective action.

Judicial review of the RFA is limited to agency compliance with the requirements of sections 601, 604, 605(b), 608(b) and 610. Review under these sections is not limited to the agency's compliance with the procedural aspects of the RFA; final agency action under these sections will be subject to the normal judicial review standards of Chapter 7 of Title 5. While the Committees determined that agency compliance with sections 607 and 609(a) of the RFA is important, it did not believe that a party should be entitled to judicial review of agency compliance with those sections in the absence of a judiciable claim for review of agency compliance with section 604. Therefore, under the Act, an agency's failure to comply with sections 607 or 609(a) may be reviewed only in conjunction with a challenge under section 604 of the RFA.

Section 243

Section 243 of the Act alters the content of the statement which an agency must publish when making a certification under section 605 of the RFA that a regulation will not impose a significant economic impact on a substantial number of small entities. Current law requires only that the agency publish a ''succinct statement explaining the reasons for such certification.'' The Committee believes that more specific justification for its determination should be provided by the agency. Under the amendment, the agency must state its factual basis for the certification. This will provide a record upon which a court may review the agency's determination in accordance with the judicial review provisions of the Administrative Procedure Act.

Section 244

H.R. 3136 amends the existing requirements of section 609 of the RFA for small business participation in the rulemaking process by incorporating a modified version of S. 917, the Small Business Advocacy Act, which was introduced by Senator Domenici, to provide early input from small businesses into the regulatory process. For proposed rules with a significant economic impact on a substantial number of small entities, EPA and OSHA would have to collect advice and recommendations from small businesses to better inform the agency's regulatory flexibility analysis on the potential impacts of the rule. The House version drops the provision of the Senate bill that would have required the panels to reconvene prior to publication of the final rule.

The agency promulgating the rule would consult with the SBA's Chief Counsel for Advocacy to identify individuals who are representative of affected small businesses. The agency would designate a senior level official to be responsible for implementing this section and chairing an interagency review panel for the rule. Before the publication of an initial regulatory flexibility analysis for a proposed EPA or OSHA rule, the SBA's Chief Counsel for Advocacy will gather information from individual representatives of small businesses and other small entities, such as small local governments, about the potential impacts of that proposed rule. This information will then be reviewed by a panel composed of members from EPA or OSHA, OIRA, and the Chief Counsel for Advocacy. The panel will then issue a report on those individuals' comments, which will become part of the rulemaking record. The review panel's report and related rulemaking information will be placed in the rulemaking record in a timely fashion so that others who are interested in the proposed rule may have an opportunity to review that information and submit their own responses for the record before the close of the agency's public comment period for the proposed rule. The legislation includes limits on the period during which the review panel conducts its review. It also creates a limited process allowing the Chief Counsel for Advocacy to waive certain requirements of the section after consultation with the Office of Information and Regulatory Affairs and small businesses.

Section 245

This section provides that the effective date of subtitle D is 90 days after enactment. Proposed rules published after the effective date must be accompanied by an initial regulatory flexibility analysis or a certification under section 605 of the RFA. Final rules published after the effective date must be accompanied by a final regulatory flexibility analysis or a certification under section 605 of the RFA, regardless of when the rule was first proposed. Thus judicial review shall apply to any final regulation published after the effective date regardless of when the rule was proposed. However, IRS interpretative rules proposed prior to enactment will not be subject to the amendments made in this subchapter expanding the scope of the RFA to include IRS interpretative rules. Thus, the IRS could finalize previously proposed interpretative rules according to the terms of currently applicable law, regardless of when the final interpretative rule is published.

Subtitle E—Congressional review subtitle

Subtitle E adds a new chapter to the Administrative Procedure Act (APA), ''Congressional Review of Agency Rulemaking,'' which is codified in the United States Code as chapter 8 of title 5. The congressional review chapter creates a special mechanism for Congress to review new rules issued by federal agencies (including modification, repeal, or reissuance of existing rules). During the review period, Congress may use expedited procedures to enact joint resolutions of disapproval to overrule the federal rulemaking actions. In the 104th Congress, four slightly different versions of this legislation passed the Senate and two different versions passed the House. Yet, no formal legislative history

document was prepared to explain the legislation or the reasons for changes in the final language negotiated between the House and Senate. This joint statement of the committees of jurisdiction on the congressional review subtitle is intended to cure this deficiency.

Background

As the number and complexity of federal statutory programs has increased over the last fifty years, Congress has come to depend more and more upon Executive Branch agencies to fill out the details of the programs it enacts. As complex as some statutory schemes passed by Congress are, the implementing regulation is often more complex by several orders of magnitude. As more and more of Congress' legislative functions have been delegated to federal regulatory agencies, many have complained that Congress has effectively abdicated its constitutional role as the national legislature in allowing federal agencies so much latitude in implementing and interpreting congressional enactments.

In many cases, this criticism is well founded. Our constitutional scheme creates a delicate balance between the appropriate roles of the Congress in enacting laws, and the Executive Branch in implementing those laws. This legislation will help to redress the balance, reclaiming for Congress some of its policymaking authority, without at the same time requiring Congress to become a super regulatory agency.

This legislation establishes a government-wide congressional review mechanism for most new rules. This allows Congress the opportunity to review a rule before it takes effect and to disapprove any rule to which Congress objects. Congress may find a rule to be too burdensome, excessive, inappropriate or duplicative. Subtitle E uses the mechanism of a joint resolution of disapproval which requires passage by both houses of Congress and the President (or veto by the President and a two-thirds' override by Congress) to be effective. In other words, enactment of a joint resolution of disapproval is the same as enactment of a law.

Congress has considered various proposals for reviewing rules before they take effect for almost twenty years. Use of a simple (one-house), concurrent (two-house), or joint (two houses plus the President) resolution are among the options that have been debated and in some cases previously implemented on a limited basis. In *INS* v. *Chadha,* 462 U.S. 919 (1983), the Supreme Court struck down as unconstitutional any procedure where executive action could be overturned by less than the full process required under the Constitution to make laws—that is, approval by both houses of Congress and presentment to the President. That narrowed Congress' options to use a joint resolution of disapproval. The one-house or two-house legislative veto (as procedures involving simple and concurrent resolutions were previously called), was thus voided.

Because Congress often is unable to anticipate the numerous situations to which the laws it passes must apply, Executive Branch agencies sometimes develop regulatory schemes at odds with congressional expectations. Moreover, during the time lapse between passage of legislation and its implementation, the nature of the problem addressed, and its proper solution, can change. Rules can be surprisingly different from the expectations of Congress or the public. Congressional review gives the public the opportunity to call the attention of politically accountable, elected officials to concerns about new agency rules. If these concerns are sufficiently serious, Congress can stop the rule.

Brief procedural history of congressional review chapter

In the 104th Congress, the congressional review legislation originated as S. 348, the ''Regulatory Oversight Act,'' which was introduced on February 2, 1995. The text of S. 348 was offered by its sponsors, Senators Don Nickles and Harry Reid, as a substitute amendment to S. 219, the ''Regulatory Transition Act of 1995.'' As amended, S. 219 provided for a 45-day delay on the effectiveness of a major rule, and provided expedited procedures that Congress could use to pass resolutions disapproving of the rule. On March 29, 1995, the Senate passed the amended version of S. 219 by a vote of 100–0. The Senate later substituted the text of S. 219 for the text of H.R. 450, the House passed ''Regulatory Transition Act of 1995.'' Although the House did not agree to a conference on H.R. 450 and S. 219, both Houses continued to incorporate the congressional review provisions in other legislative packages. On May 25, the Senate Governmental Affairs Committee reported out S. 343, the ''Comprehensive Regulatory Reform Act of 1995,'' and S. 291, the ''Regulatory Reform Act of 1995,'' both with congressional review provisions. On May 26, 1995, the Senate Judiciary Committee reported out a different version of S. 343, the ''Comprehensive Regulatory Reform Act of 1995,'' which also included a congressional review provision. The congressional review provision in S. 343 that was debated by the Senate was quite similar to S. 219, except that the delay period in the effectiveness of a major rule was extended to 60 days and the legislation did not apply to rules issued prior to enactment. A fillibuster of S. 343, unrelated to the congressional review provisions, led to the withdrawal of that bill.

The House next took up the congressional review legislation by attaching a version of it (as section 3006) to H.R. 2586, the first debt limit extension bill. The House made several changes in the legislation that was attached to H.R. 2586, including a provision that would allow the expedited procedures also to apply to resolutions disapproving of proposed rules, and provisions that would have extended the 60-day delay on the effectiveness of a major rule for any period when the House or Senate was in recess for more than three days. On November 9, 1995 both the House and Senate passed this version of the congressional review legislation as part of the first debt limit extension bill. President Clinton vetoed the bill a few days later, for reasons unrelated to the congressional review provision.

On February 29, 1996, a House version of the congressional review legislation was published in the Congressional Record as title III of H.R. 994, which was scheduled to be brought to the House floor in the coming weeks. The congressional review title was almost identical to the legislation approved by both Houses in H.R. 2586. On March 19, 1996, the Senate adopted a congressional review amendment by voice vote to S. 942, which bill passed the Senate 100–0. The congressional review legislation in S. 942 was similar to the original version of S. 219 that passed the Senate on March 29, 1995.

Soon after passage of S. 942, representatives of the relevant House and Senate committees and principal sponsors of the congressional review legislation met to craft a congressional review subtitle that was acceptable to both Houses and would be added to the debt limit bill that was scheduled to be taken up in Congress the week of March 24. The final compromise language was the result of these joint discussions and negotiations.

On March 28, 1996, the House and Senate passed title III, the ''Small Business Regulatory Enforcement Fairness Act of 1996,'' as part of the second debt limit bill, H.R. 3136. There was no separate vote in either body on the congressional review subtitle or on title III of H.R. 3136. However, title III received broad support in the House and the entire bill passed in the Senate by unanimous consent. The President signed H.R. 3136 into law on March 29, 1996, exactly one year after the first congressional review bill passed the Senate.

Submission of rules to Congress and to GAO

Pursuant to subsection 801(a)(1)(A), a federal agency promulgating a rule must submit a copy of the rule and a brief report about it to each House of Congress and to the Comptroller General before the rule can take effect. In addition to a copy of the rule, the report shall contain a concise general statement relating to the rule, including whether it is a major rule under the chapter, and the proposed effective date of the rule. Because most rules covered by the chapter must be published in the Federal Register before they can take effect, it is not expected that the submission of the rule and the report to Congress and the Comptroller General will lead to any additional delay.

Section 808 provides the only exception to the requirement that rules must be submitted to each House of Congress and the Comptroller General before they can take effect. Subsection 808(1) excepts specified rules relating to commercial, recreational, or subsistence hunting, fishing, and camping. Subsection 808(2) excepts certain rules that are not subject to notice-and-comment procedures. It provides that if the relevant agency finds ''for good cause ... that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, [such rules] shall take effect at such time as the Federal agency promulgating the rule determines.'' Although rules described in section 808 shall take effect when the relevant Federal agency determines pursuant to other provisions of law, the federal agency still must submit such rules and the accompanying report to each House of Congress and to the Comptroller General as soon as practicable after promulgation. Thus, rules described in section 808 are subject to congressional review and the expedited procedures governing joint resolutions of disapproval. Moreover, the congressional review period will not begin to run until such rules and the accompanying reports are submitted to each House of Congress and the Comptroller General.

In accordance with current House and Senate rules, covered agency rules and the accompanying report must be separately addressed and transmitted to the Speaker of the House (the Capitol, Room H–209), the President of the Senate (the Capitol, Room S-212), and the Comptroller General (GAO Building, 441 G Street, N.W., Room 1139). Except for rules described in section 808, any covered rule not submitted to Congress and the Comptroller General will remain ineffective until it is submitted pursuant to subsection 801(a)(1)(A). In almost all cases, there will be sufficient time for an agency to submit notice-and-comment rules or other rules that must be published to these legislative officers during normal office hours. There may be a rare instance, however, when a federal agency must issue an emergency rule that is effective upon actual notice and does not meet one of the section 808 exceptions. In such a rare case, the federal agency may provide contemporaneous notice to the Speaker of the House, the President of the Senate, and the Comptroller General. These legislative officers have accommodated the receipt of similar, emergency communications in the past and will utilize the same means to

receive emergency rules and reports during non-business hours. If no other means of delivery is possible, delivery of the rule and related report by telefax to the Speaker of the House, the President of the Senate, and the Comptroller General shall satisfy the requirements of subsection 801(a)(1)(A).

Additional delay in the effectiveness of major rules

Subsection 553(d) of the APA requires publication or service of most substantive rules at least 30 days prior to their effective date. Pursuant to subsection 801(a)(3)(A), a major rule (as defined in subsection 804(2)) shall not take effect until at least 60 calendar days after the later of the date on which the rule and accompanying information is submitted to Congress or the date on which the rule is published in the Federal Register, if it is so published. If the Congress passes a joint resolution of disapproval and the President vetoes such resolution, the delay in the effectiveness of a major rule is extended by subsection 801(a)(3)(B) until the earlier date on which either House of Congress votes and fails to override the veto or 30 session days[1] after the date on which the Congress receives the veto and objections from the President. By necessary implication, if the Congress passes a joint resolution of disapproval within the 60 calendar days provided in subsection 801(a)(3)(A), the delay period in the effectiveness of a major rule must be extended at least until the President acts on the joint resolution or until the time expires for the President to act. Any other result would be inconsistent with subsection 801(a)(3)(B), which extends the delay in the effectiveness of a major rule for a period of time after the President vetoes a resolution.

Of course, if Congress fails to pass a joint resolution of disapproval within the 60-day period provided by subsection 801(a)(3)(A), subsection 801(a)(3)(B) would not apply and would not further delay the effective date of the rule. Moreover, pursuant to subsection 801(a)(5), the effective date of a rule shall not be delayed by this chapter beyond the date on which either house of Congress votes to reject a joint resolution of disapproval.

Although it is not expressly provided in the congressional review chapter, it is the committees' intent that a rule may take effect if an adjournment of Congress prevents the President from returning his veto and objections within the meaning of the Constitution. Such will be the case if the President does not act on a joint resolution within 10 days (Sundays excepted) after it is presented to him, and ''the Congress by their Adjournment prevent its Return'' within the meaning of Article I, §7, cl. 2, or when the President affirmatively vetoes a resolution during such an adjournment. This is the logical result because Congress cannot act to override these vetoes. Congress would have to begin anew, pass a second resolution, and present it to the President in order for it to become law. It is also the committees' intent that a rule may take effect immediately if the President returns a veto and his objections to Congress but Congress adjourns its last session sine die before the expiration of time provided in subsection 801(a)(3)(B). Like the situations described immediately above, no subsequent Congress can act further on the veto, and the next Congress would have to begin anew, pass a second resolution of disapproval, and present it to the President in order for it to become law.

Purpose of and exceptions to the delay of major rules

The reason for the delay in the effectiveness of a major rule beyond that provided in APA subsection 553(d) is to try to provide Congress with an opportunity to act on resolutions of disapproval before regulated parties must invest the significant resources necessary to comply with a major rule. Congress may continue to use the expedited procedures to pass resolutions of disapproval for a period of time after a major rule takes effect, but it would be preferable for Congress to act during the delay period so that fewer resources would be wasted. To increase the likelihood that Congress would act before a major rule took effect, the committees agreed on an approximately 60-day delay period in the effective date of a major rule, rather than an approximately 45-day delay period in some earlier versions of the legislation.

There are four exceptions to the required delay in the effectiveness of a major rule in the congressional review chapter. The first is in subsection 801(c), which provides that a major rule is not subject to the delay period of subsection 801(a)(3) if the President determines in an executive order that one of four specified situations exist and notifies Congress of his determination. The second is in subsection 808(1), which excepts specified rules relating to commercial, recreational, or subsistence hunting, fishing, and camping from the initial delay specified in subsection 801(a)(1)(A) and from the delay in the effective date of a major rule provided in subsection 801(a)(3). The third is in subsection 808(2), which excepts certain rules from the initial delay specified in subsection 801(a)(1)(A) and from the delay in the effective date of a major rule provided in subsection 801(a)(3) if the relevant agency finds ''for good cause . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' This ''good cause'' exception in subsection 808(2) is taken from the APA and applies only to rules which are exempt from notice and comment under subsection 553(b)(B) or an analogous statute. The fourth exception is in subsection 804(2). Any rule promulgated under the Telecommunications Act of 1996 or any amendments made by that Act that otherwise could be classified as a ''major rule'' is exempt from that definition and from the 60-day delay in section 801(a)(3). However, such an issuance still would fall within the definition of ''rule'' and would be subject to the requirements of the legislation for non-major rules. A determination under subsection 801(c), subsection 804(2), or section 808 shall have no effect on the procedures to enact joint resolutions of disapproval.

A court may not stay or suspend the effectiveness of a rule beyond the period specified in section 801 simply because a resolution of disapproval is pending in Congress

The committees discussed the relationship between the period of time that a major rule is delayed and the period of time during which Congress could use the expedited procedures in section 802 to pass a resolution of disapproval. Although it would be best for Congress to act pursuant to this chapter before a major rule goes into effect, it was recognized that Congress could not often act immediately after a rule was issued because it may be issued during a recesses of Congress, shortly before such recesses, or during other periods when Congress cannot devote the time to complete prompt legislative action. Accordingly, the committees determined that the proper public policy was to give Congress an adequate opportunity to deliberate and act on joint resolutions of disapproval, while ensuring that major rules could go into effect without unreasonable delay. In short, the committees decided that major rules could take effect after an approximate 60-day delay, but the period governing the expedited procedures in section 802 for review of joint resolution of disapproval would extend for a period of time beyond that.

Accordingly, courts may not stay or suspend the effectiveness of any rule beyond the periods specified in section 801 simply because a joint resolution is pending before Congress. Such action would be contrary to the many express provisions governing when different types of rules may take effect. Such court action also would be contrary to the committees' intent because it would upset an important compromise on how long a delay there should be on the effectiveness of a major rule. The final delay period was selected as a compromise between the period specified in the version that passed the Senate on March 19, 1995 and the version that passed both Houses on November 9, 1995. It is also the committees' belief that such court action would be inconsistent with the principles of (and potentially violate) the Constitution, art. I, §7, cl. 2, in that courts may not give legal effect to legislative action unless it results in the enactment of law pursuant that Clause. See *INS* v. *Chadha*, 462 U.S. 919 (1983). Finally, the committees believe that a court may not predicate a stay on the basis of possible future congressional action because it would be improper for a court to rule that the movant had demonstrated a ''likelihood of success on the merits,'' unless and until a joint resolution is enacted into law. A judicial stay prior to that time would raise serious separation of powers concerns because it would be tantamount to the court making a prediction of what Congress is likely to do and then exercising its own power in furtherance of that prediction. Indeed, the committees believe that Congress may have been reluctant to pass congressional review legislation at all if its action or inaction pursuant to this chapter would be treated differently than its action or inaction regarding any other bill or resolution.

Time periods governing passage of joint resolutions of disapproval

Subsection 802(a) provides that a joint resolution disapproving of a particular rule may be introduced in either House beginning on the date the rule and accompanying report are received by Congress until 60 calendar days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress). But if Congress did not have sufficient time in a previous session to introduce or consider a resolution of disapproval, as set forth in subsection 801(d), the rule and accompanying report will be treated as if it were first received by Congress on the 15th session day in the Senate, or 15th legislative day in the House, after the start of its next session. When a rule was submitted near the end of a Congress or prior to the start of the next Congress, a joint resolution of disapproval regarding that rule may be introduced in the next Congress beginning on the 15th session day in the Senate or the 15th legislative day in the House until 60 calendar days thereafter (excluding days either House of Congress is adjourned for more than 3 days during the session) regardless of whether such a resolution was introduced in the prior Congress. Of course, any joint resolution pending from the first session of a Congress, may be considered further in the next session of the same Congress.

Subsections 802(c)–(d) specify special procedures that apply to the consideration of a

[1] In the Senate, a ''session day'' is a calendar day in which the Senate is in session. In the House of Representatives, the same term is normally expressed as a ''legislative day.'' In the congressional review chapter, however, the term ''session day'' means both a ''session day'' of the Senate and a ''legislative day'' of the House of Representatives unless the context of the sentence or paragraph indicates otherwise.

joint resolution of disapproval in the Senate. Subsection 802(c) allows 30 Senators to petition for the discharge of resolution from a Senate committee after a specified period of time (the later of 20 calendar days after the rule is submitted to Congress or published in the Federal Register, if it is so published). Subsection 802(d) specifies procedures for the consideration of a resolution on the Senate floor. Such a resolution is highly privileged, points of order are waived, a motion to postpone consideration is not in order, the resolution is unamendable, and debate on the joint resolution and ''on all debatable motions and appeals in connection therewith'' (including a motion to proceed) is limited to no more than 10 hours.

Subsection 802(e) provides that the special Senate procedures specified in subsections 802(c)–(d) shall not apply to the consideration of any joint resolution of disapproval of a rule after 60 session days of the Senate beginning with the later date that rule is submitted to Congress or published, if it is so published. However, if a rule and accompanying report are submitted to Congress shortly before the end of a session or during an intersession recess as described in subsection 801(d)(1), the special Senate procedures specified in subsections 802(c)–(d) shall expire 60 session days after the 15th session day of the succeeding session of Congress—or on the 75th session day after the succeeding session of Congress first convenes. For purposes of subsection 802(e), the term ''session day'' refers only to a day the Senate is in session, rather than a day both Houses are in session. However, in computing the time specified in subsection 801(d)(1), that subsection specifies that there shall be an additional period of review in the next session if either House did not have an adequate opportunity to complete action on a joint resolution. Thus, if either House of Congress did not have adequate time to consider a joint resolution in a given session (60 session days in the Senate and 60 legislative days in the House), resolutions of disapproval may be introduced or reintroduced in both Houses in the next session, and the special Senate procedures specified in subsection 802(c)–(d) shall apply in the next session of the Senate.

If a joint resolution of disapproval is pending when the expedited Senate procedures specified in subsections 802(c)–(d) expire, the resolution shall not die in either House but shall simply be considered pursuant to the normal rules of either House—with one exception. Subsection 802(f) sets forth one unique provision that does not expire in either House. Subsection 802(f) provides procedures for passage of a joint resolution of disapproval when one House passes a joint resolution and transmits it to the other House that has not yet completed action. In both Houses, the joint resolution of the first House to act shall not be referred to a committee but shall be held at the desk. In the Senate, a House-passed resolution may be considered directly only under normal Senate procedures, regardless of when it is received by the Senate. A resolution of disapproval that originated in the Senate may be considered under the expedited procedures only during the period specified in subsection 802(e). Regardless of the procedures used to consider a joint resolution in either House, the final vote of the second House shall be on the joint resolution of the first House (no matter when that vote takes place). If the second House passes the resolution, no conference is necessary and the joint resolution will be presented to the President for his signature. Subsection 802(f) is justified because subsection 802(a) sets forth the required language of a joint resolution in each House, and thus, permits little variance in the joint resolutions that could be introduced in each House.

Effect of enactment of a joint resolution of disapproval

Subsection 801(b)(1) provides that: ''A rule shall not take effect (or continue), if the Congress enacts a joint resolution of disapproval, described under section 802, of the rule.'' Subsection 801(b)(2) provides that such a disapproved rule ''may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.'' Subsection 801(b)(2) is necessary to prevent circumvention of a resolution of disapproval. Nevertheless, it may have a different impact on the issuing agencies depending on the nature of the underlying law that authorized the rule.

If the law that authorized the disapproved rule provides broad discretion to the issuing agency regarding the substance of such rule, the agency may exercise its broad discretion to issue a substantially different rule. If the law that authorized the disapproved rule did not mandate the promulgation of any rule, the issuing agency may exercise its discretion not to issue any new rule. Depending on the law that authorized the rule, an issuing agency may have both options. But if an agency is mandated to promulgate a particular rule and its discretion in issuing the rule is narrowly circumscribed, the enactment of a resolution of disapproval for that rule may work to prohibit the reissuance of any rule. The committees intend the debate on any resolution of disapproval to focus on the law that authorized the rule and make the congressional intent clear regarding the agency's options or lack thereof after enactment of a joint resolution of disapproval. It will be the agency's responsibility in the first instance when promulgating the rule to determine the range of discretion afforded under the original law and whether the law authorizes the agency to issue a substantially different rule. Then, the agency must give effect to the resolution of disapproval.

Limitation on judicial review of congressional or administrative actions

Section 805 provides that a court may not review any congressional or administrative ''determination, finding, action, or omission under this chapter.'' Thus, the major rule determinations made by the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget are not subject to judicial review. Nor may a court review whether Congress complied with the congressional review procedures in this chapter. This latter limitation on the scope of judicial review was drafted in recognition of the constitutional right of each House of Congress to ''determine the Rules of its Proceedings,'' U.S. Const., art. I, §5, cl. 2, which includes being the final arbiter of compliance with such Rules.

The limitation on a court's review of subsidiary determination or compliance with congressional procedures, however, does not bar a court from giving effect to a resolution of disapproval that was enacted into law. A court with proper jurisdiction may treat the congressional enactment of a joint resolution of disapproval as it would treat the enactment of any other federal law. Thus, a court with proper jurisdiction may review the resolution of disapproval and the law that authorized the disapproved rule to determine whether the issuing agency has the legal authority to issue a substantially different rule. The language of subsection 801(g) is also instructive. Subsection 801(g) prohibits a court or agency from inferring any intent of the Congress only when ''Congress does not enact a joint resolution of disapproval,'' or by implication, when it has not yet done so. In deciding cases or controversies properly before it, a court or agency must give effect to the intent of the Congress when such a resolution is enacted and becomes the law of the land. The limitation on judicial review in no way prohibits a court from determining whether a rule is in effect. For example, the committees expect that a court might recognize that a rule has no legal effect due to the operation of subsections 801(a)(1)(A) or 801(a)(3).

Enactment of a joint resolution of disapproval for a rule that was already in effect

Subsection 801(f) provides that: ''Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.'' Application of this subsection should be consistent with existing judicial precedents on rules that are deemed never to have taken effect.

Agency information required to be submitted to GAO

Pursuant to subsection 801(a)(1)(B), the federal agency promulgating the rule shall submit to the Comptroller General (and make available to each House) (i) a complete copy of the cost-benefit analysis of the rule, if any, (ii) the agency's actions related to the Regulatory Flexibility Act, (iii) the agency's actions related to the Unfunded Mandates Reform Act, and (iv) ''any other relevant information or requirements under any other Act and any relevant Executive Orders.'' Pursuant to subsection 801(a)(1)(B), this information must be submitted to the Comptroller General on the day the agency submits the rule to Congress and to GAO.

The committees intend information supplied in conformity with subsection 801(a)(1)(B)(iv) to encompass both agency-specific statutes and government-wide statutes and executive orders that impose requirements relevant to each rule. Examples of agency-specific statutes include information regarding compliance with the law that authorized the rule and any agency-specific procedural requirements, such as section 9 of the Consumer Product Safety Act, as amended, 15 U.S.C. §2054 (procedures for consumer product safety rules); section 6 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. §655 (promulgation of standards); section 307(d) of the Clean Air Act, as amended, 42 U.S.C. §7607(d) (promulgation of rules); and section 501 of the Department of Energy Organization Act, 42 U.S.C. §7191 (procedure for issuance of rules, regulations, and orders). Examples of government-wide statutes include other chapters of the Administrative Procedure Act, 5 U.S.C. §§551–559 and 701–706; and the Paperwork Reduction Act, as amended, 44 U.S.C. §§3501–3520.

Examples of relevant executive orders include E.O. No. 12866 (Sept. 30, 1993) (Regulatory Planning and Review); E.O. No. 12606 (Sept. 2, 1987) (Family Considerations in Policy Formulation and Implementation); E.O. No. 12612 (Oct. 26, 1987) (Federalism Considerations in Policy Formulation and Implementation); E.O. No. 12630 (Mar. 15, 1988) (Government Actions and Interference with Constitutionally Protected Property Rights); E.O. No. 12875 (Oct. 26, 1993) (Enhancing the Intergovernmental Partnership); E.O. No. 12778 (Oct. 23, 1991) (Civil Justice Reform); E.O. No. 12988 (Feb. 5, 1996) (Civil Justice Reform) (effective May 5, 1996).

GAO reports on major rules

Fifteen days after the federal agency submits a copy of a major rule and report to each House of Congress and the Comptroller General, the Comptroller General shall prepare and provide a report on the major rule

to the committees of jurisdiction in each House. Subsection 801(a)(2)(B) requires agencies to cooperate with the Comptroller General in providing information relevant to the Comptroller General's reports on major rules. Given the 15-day deadline for these reports, it is essential that the agencies' initial submission to the General Accounting Office (GAO) contain all of the information necessary for GAO to conduct its analysis. At a minimum, the agency's submission must include the information required of all rules pursuant to 801(a)(1)(B). Whenever possible, OMB should work with GAO to alert GAO when a major rule is likely to be issued and to provide as much advance information to GAO as possible on such proposed major rule. In particular, OMB should attempt to provide the complete cost-benefit analysis on a major rule, if any, well in advance of the final rule's promulgation.

It also is essential for the agencies to present this information in a format that will facilitate the GAO's analysis. The committees expect that GAO and OMB will work together to develop, to the greatest extent practicable, standard formats for agency submissions. OMB also should ensure that agencies follow such formats. The committees also expect that agencies will provide expeditiously any additional information that GAO may require for a thorough report. The committees do not intend the Comptroller General's reports to be delayed beyond the 15-day deadline due to lack of information or resources unless the committees of jurisdiction indicate a different preference. Of course, the Comptroller General may supplement his initial report at any time with any additional information, on its own, or at the request of the relevant committees of jurisdiction.

Covered agencies and entities in the executive branch

The committees intend this chapter to be comprehensive in the agencies and entities that are subject to it. The term ''Federal agency'' in subsection 804(1) was taken from 5 U.S.C. §551(1). That definition includes ''each authority of the Government'' that is not expressly excluded by subsection 551(1)(A)–(H). With those few exceptions, the objective was to cover each and every government entity, whether it is a department, independent agency, independent establishment, or government corporation. This is because Congress is enacting the congressional review chapter, in large part, as an exercise of its oversight and legislative responsibility. Regardless of the justification for excluding or granting independence to some entities from the coverage of other laws, that justification does not apply to this chapter, where Congress has an interest in exercising its constitutional oversight and legislative responsibility as broadly as possible over all agencies and entities within its legislative jurisdiction.

In some instances, federal entities and agencies issue rules that are not subject to the traditional 5 U.S.C. §553(c) rulemaking process. However, the committees intend the congressional review chapter to cover every agency, authority, or entity covered by subsection 551(1) that establishes policies affecting any segment of the general public. Where it was necessary, a few special exceptions were provided, such as the exclusion for the monetary policy activities of the Board of Governors of the Federal Reserve System, rules of particular applicability, and rules of agency management and personnel. Where it was not necessary, no exemption was provided and no exemption should be inferred from other law. This is made clear by the provision of section 806 which states that the Act applies notwithstanding any other provision of law.

Definition of a ''major rule''

The definition of a ''major rule'' in subsection 804(2) is taken from President Reagan's Executive Order 12291. Although President Clinton's Executive Order 12866 contains a definition of a ''significant regulatory action'' that is seemingly as broad, several of the Administration's significant rule determinations under Executive Order 12866 have been called into question. The committees intend the term ''major rule'' in this chapter to be broadly construed, including the non-numerical factors contained in the subsections 804(2) (B) and (C).

Pursuant to subsection 804(2), the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget (the Administrator) must make the major rule determination. The committees believe that centralizing this function in the Administrator will lead to consistency across agency lines. Moreover, from 1981–93, OIRA staff interpreted and applied the same major rule definition under E.O. 12291. Thus, the Administrator should rely on guidance documents prepared by OIRA during that time and previous major rule determinations from that Office as a guide in applying the statutory definition to new rules.

Certain covered agencies, including many ''independent agencies,'' include their proposed rules in the Unified Regulatory Agenda published by OMB but do not normally submit their final rules to OMB for review. Moreover, interpretative rules and general statements of policy are not normally submitted to OMB for review. Nevertheless, it is the Administrator that must make the major rule determination under this chapter whenever a new rule is issued. The Administrator may request the recommendation of any agency covered by this chapter on whether a proposed rule is a major rule within the meaning of subsection 804(2), but the Administrator is responsible for the ultimate determination. Thus, all agencies or entities covered by this chapter will have to coordinate their rulemaking activity with OIRA so that the Administrator may make the final, major rule determination.

Scope of rules covered

The committees intend this chapter to be interpreted broadly with regard to the type and scope of rules that are subject to congressional review. The term ''rule'' in subsection 804(3) begins with the definition of a ''rule'' in subsection 551(4) and excludes three subsets of rules that are modeled on APA sections 551 and 553. This definition of a rule does not turn on whether a given agency must normally comply with the notice-and-comment provisions of the APA, or whether the rule at issue is subject to any other notice-and-comment procedures. The definition of ''rule'' in subsection 551(4) covers a wide spectrum of activities. First, there is formal rulemaking under section 553 that must adhere to procedures of sections 556 and 557 of title 5. Second, there is informal rulemaking, which must comply with the notice-and-comment requirements of subsection 553(c). Third, there are rules subject to the requirements of subsection 552(a)(1) and (2). This third category of rules normally either must be published in the Federal Register before they can adversely affect a person, or must be indexed and made available for inspection and copying or purchase before they can be used as precedent by an agency against a non-agency party. Documents covered by subsection 552(a) include statements of general policy, interpretations of general applicability, and administrative staff manuals and instructions to staff that affect a member of the public. Fourth, there is a body of materials that fall within the APA definition of ''rule'' and are the product of agency process, but that meet none of the procedural specifications of the first three classes. These include guidance documents and the like. For purposes of this section, the term rule also includes any rule, rule change, or rule interpretation by a self regulatory organization that is approved by a Federal agency. Accordingly, all ''rules'' are covered under this chapter, whether issued at the agency's initiative or in response to a petition, unless they are expressly excluded by subsections 804(3)(A)–(C). The committees are concerned that some agencies have attempted to circumvent notice-and-comment requirements by trying to give legal effect to general statements of policy, ''guidelines,'' and agency policy and procedure manuals. The committees admonish the agencies that the APA's broad definition of ''rule'' was adopted by the authors of this legislation to discourage circumvention of the requirements of chapter 8.

The definition of a rule in subsection 551(4) covers most agency statements of general applicability and future effect. Subsection 804(3)(A) excludes ''any rule of particular applicability, including a rule that approves or prescribes rates, wages, prices, services, or allowances therefore, corporate and financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing'' from the definition of a rule. Many agencies, including the Treasury, Justice, and Commerce Departments, issue letter rulings or other opinion letters to individuals who request a specific ruling on the facts of their situation. These letter rulings are sometimes published and relied upon by other people in similar situations, but the agency is not bound by the earlier rulings even on facts that are analogous. Thus, such letter rulings or opinion letters do not fall within the definition of a rule within the meaning of subsection 804(3).

The different types of rules issued pursuant to the internal revenue laws of the United States are good examples of the distinction between rules of general and particular applicability. IRS private letter rulings and Customs Service letter rulings are classic examples of rules of particular applicability, notwithstanding that they may be cited as authority in transactions involving the same circumstances. Examples of substantive and interpretative rules of general applicability will include most temporary and final Treasury regulations issued pursuant to notice-and-comment rulemaking procedures, and most revenue rulings, revenue procedures, IRS notices, and IRS announcements. It does not matter that these later types of rules are issued without notice-and-comment rulemaking procedures or that they are accorded less deference by the courts than notice-and-comment rules. In fact, revenue rulings have been described by the courts as the ''classic example of an interpretative rul[e]'' within the meaning of the APA. See *Wing* v. *Commissioner*, 81 T.C. 17, 26 (1983). The test is whether such rules announce a general statement of policy or an interpretation of law of general applicability.

Most rules or other agency actions that grant an approval, license, registration, or similar authority to a particular person or particular entities, or grant or recognize an exemption or relieve a restriction for a particular person or particular entities, or permit new or improved applications of technology for a particular person or particular entities, or allow the manufacture, distribution, sale, or use of a substance or product are exempted under subsection 804(3)(A) from the definition of a rule. This is probably the largest category of agency actions excluded from the definition of a rule. Examples include import and export licenses, individual

rate and tariff approvals, wetlands permits, grazing permits, plant licenses or permits, drug and medical device approvals, new source review permits, hunting and fishing take limits, incidental take permits and habitat conservation plans, broadcast licenses, and product approvals, including approvals that set forth the conditions under which a product may be distributed.

Subsection 804(3)(B) excludes ''any rule relating to agency management or personnel'' from the definition of a rule. Pursuant to subsection 804(3)(C), however, a ''rule of agency organization, procedure, or practice,'' is only excluded if it ''does not substantially affect the rights or obligations of non-agency parties.'' The committees' intent in these subsections is to exclude matters of purely internal agency management and organization, but to include matters that substantially affect the rights or obligations of outside parties. The essential focus of this inquiry is not on the type of rule but on its effect on the rights or obligations of non-agency parties.

GRAND OPENING OF MAIN BRANCH, SAN FRANCISCO LIBRARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. LANTOS. Mr. Speaker, I rise today, on the 90th anniversary of the devastating 1906 San Francisco earthquake, to celebrate with the city of San Francisco a monumental achievement of community cooperation and commitment. I invite my colleagues to join me in conveying our congratulations and admiration to the people of San Francisco who have committed their precious resources to the construction of the new main branch of the San Francisco Library, a beautiful and highly functional testament to the love that San Franciscans have for their city and for books and education. It is a love that has found its voice through the coordinated efforts of corporations, foundations, and individuals.

A library should reflect the pride, the culture, and the values of the diverse communities that it serves. The San Francisco main library will undoubtedly be successful in reaching this goal. The library will be home to special centers dedicated to the history and interests of African-Americans, Chinese-Americans, Filipino-Americans, Latino-Americans, and gays and lesbians. The library will be designed to serve the specialized needs of the businessman as well as the immigrant newcomer. It will become home to the diverse communities that make San Francisco unique among metropolitan areas of the world. It will also become a home, most importantly, that serves to unite.

The new San Francisco main library represents an opportunity to preserve and disperse the knowledge of times long since passed. The book serves as man's most lasting testament and the library serves as our version of a time machine into the past, the present and the future. This library, built upon the remains of the old City Hall destroyed 90 years ago today, is a befitting tribute to the immortality of thought. Buildings will come as they will most definitely pass, but the books of this new library and the information that they hold are eternal and serve as an indelible foundation that cannot be erased by the passage of time.

The expanded areas of the new main library will provide space for numerous hidden treasures that no longer will be hidden. The people of San Francisco will have the opportunity to reacquaint themselves with numerous literary treasures previously locked behind the dusty racks of unsightly storage rooms.

Although the new San Francisco main library serves as a portal into our past, it also serves to propel us into the future. It is an edifice designed to stoke the imagination by providing access to the numerous streams of information that characterize our society today. The technologically designed library will provide hundreds of public computer terminals to locate materials on-line, 14 multimedia stations, as well as access to data bases and the Information Superhighway. It will provide education and access for those previously unable to enter the ''computer revolution.'' The library will provide vital access and communication links so that it can truly serve as a resource for the city and for other libraries and educational institutions throughout the region. The new library will serve as an outstanding model for libraries around the world to emulate.

Like an educational institution,the San Francisco Library will be a repository of human knowledge, organized and made accessible for writers, students, lifelong learners and leisure readers. It will serve to compliment and expand San Francisco's existing civic buildings—City Hall, Davies Symphony Hall, Brooks Hall, and the War Memorial and Performing Arts Center. The library serves as a symbiotic commitment between the city of San Francisco and its people. In 1988, when electorates across the country refused to support new bond issues, the people of San Francisco committed themselves to a $109.5 million bond measure to build the new main library building and to strengthen existing branch libraries. Eight years later those voices are still clearly heard and they resonate with the dedication of this unique library, built by a community to advance themselves and their neighbors.

Mr. Speaker, on this day, when we celebrate the opening of the new main branch of the San Francisco Library, I ask my colleagues to join me in congratulating the community of San Francisco for their admirable accomplishments and outstanding determination.

TRIBUTE TO DAVID J. WHEELER

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. COOLEY of Oregon. Mr. Speaker, on February 1, 1996, the President signed H.R. 2061, a bill to designate the Federal building in Baker City, OR in honor of the late David J. Wheeler. As the congressional representative for Baker City, and as the sponsor of H.R. 2061, I recently returned to Baker City for the building dedication ceremony. Mr. Wheeler, a Forest Service employee, was a model father and an active citizen. In honor of Mr. Wheeler, I would like to submit, for the record, my speech at the dedication ceremony.

Thank you for inviting me here today. It has been an honor to sponsor the congressional bill to designate this building in memory of David Wheeler. I did not have the privilege of knowing Mr. Wheeler myself, but from my discussions with Mayor Griffith—and from researching his accomplishments—I've come to know what a fine man he was. I know that Mr. Wheeler was a true community leader, and I know that the community is that much poorer for his passing. With or without this dedication, his spirit will remain within the Baker City community.

Mayor Griffith, I have brought a copy of H.R. 2061—the law to honor David Wheeler. The bill has been signed by the President of the United States, by the Speaker of the House, and by the President of the Senate. Hopefully, this bill will find a suitable place within the new David J. Wheeler Federal Building.

I'd like to offer my deepest sympathy to the Wheeler family, and to everyone here who knew him. And, I'd like to offer a few words from Henry Wadsworth Longfellow—who once commented on the passing-away of great men. His words—I think—describe Mr. Wheeler well:

If a star were quenched on high,
For ages would its light,
Still traveling down from the sky,
Shine on our mortal sight.

So when a great man dies,
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.''

So too with David Wheeler. His light will shine on the paths of us all—particularly of his family—for the rest of our days.

THE MINIMUM WAGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 17, 1996, into the CONGRESSIONAL RECORD.

RAISING THE MINIMUM WAGE

Rewarding work is a fundamental American value. There are many ways to achieve that goal, including deficit reduction to boost the economy, opening markets abroad to our products, improving education and skills training, and investing in technology and infrastructure. Increasing wages must be a central objective of government policies.

The economy is improving. It has in recent years reduced the unemployment rate of 5.6%, cut the budget deficit nearly in half, and spurred the creation of 8.4 million additional jobs. Real hourly earning has now begun to rise modestly, and the tax cut in 1993 for 15 million working families helped spur economic growth.

But much work needs to be done. We must build on the successes of the last few years, and address the key challenges facing our economy, including the problem of stagnant wages. This problem will not be solved overnight, but one action we can take immediately, and which I support, is to raise the minimum wage.

RAISING THE MINIMUM WAGE

The minimum wage was established in 1938 in an attempt to assist the working poor, usually non-union workers with few skills and little bargaining power. The wage has been increased 17 times, from 25 cents per hour in 1938 to $4.25 per hour in 1991. Currently some 5 million people work for wages at or below $4.25 per hour, and most of them are adults rather than teenagers.

I support a proposal to increase the minimum wage 90 cents over two years, from its current level of $4.25 per hour to $5.15 per hour. The first 45 cents of the new increase would not even restore the buying power the minimum wage has lost since the last increase five years ago. Inflation has already eaten away 81% of that increase. If we do not act to increase the minimum wage this year, it will fall to a 40 year low in terms of purchasing power.

WHO EARNS MINIMUM WAGE

The typical minimum wage worker is a white woman over age 20 working in the service sector or the retail industry. About 60% of the minimum wage earners are women, and about 70% of the 12 million workers who would benefit from a minimum wage increase—since their wages are less than $5.15 per hour—are 20 years of age or older. The average minimum wage worker brings home half of the family's earnings, so an increase in the minimum wage can make a real difference.

An increase in the minimum wage would benefit over 315,000 Hoosiers, or 12.4% of the Indiana workforce, and would mean an additional $1800 in earnings each year.

EFFECT ON JOBS

Opponents of a minimum wage increase claim that it will wipe out jobs. But the weight of the evidence today supports the conclusion that a moderate minimum wage increase would not have a significant impact on job levels, because it would help boost productivity and lower employee turnover. Over 100 economists, including several Nobel laureates, have urged the President and Congress to approve a minimum wage increase and have affirmed that it would not have a significant effect on employment.

Opponents of a minimum wage increase also criticize it as being an inefficient way to alleviate poverty. In a sense they are right. A minimum wage increase is not as well targeted as the earned income tax credit, which directly benefits low-paid workers either by cutting their taxes or, if they owe no tax, giving them a check from the Treasury. The credit is structured to encourage the poor to go to work without hitting their employers. My view is that the best anti-poverty strategy is probably to mix minimum wages with tax credits.

There are limits, however, to how much higher Congress can push the tax credit. The problem, of course, with increases in the earned income tax credit is that it costs the government billions of dollars that it does not have, and won't for many years. I do not, however, support efforts by Speaker Gingrich to reduce the earned income tax credit.

A MATTER OF FAIRNESS

Surely we want to help ensure that people who work hard can get ahead. Raising the income of America's lowest paid workers is part of meeting that challenge. If we value work, we ought to raise the value of the minimum wage. Most people believe that somebody who works a 40-hour week ought to make a wage they can live on. It is hard to believe that people can oppose that notion.

I have been particularly troubled by growing income inequality in this country, an the declining value of the minimum wage only contributes to that problem. For most of the past four decades the minimum wage averaged between 45% and 50% of the average hourly wage in the economy. After a small gain in 1990 and 1991, the minimum wage has now dropped to 38% of the average hourly wage.

My view is that the minimum wage should be increased as a simple matter of fairness to unskilled workers. These workers are not protected by unions. They cannot and do not lobby Congress. The minimum wage offers a margin of security to those who want a job rather than a handout. For a rich country like America, that's not too much to provide.

I have been frustrated in Congress in recent weeks when we were even denied an opportunity to vote on a raise in the minimum wage. It is unfair to refuse to allow a vote on the increase in the minimum wage, which is supported by 75% of the American people.

CONCLUSION

I don't for a moment think that an increase in the minimum wage is ultimately the cure for low working wages in this country, but until we find an answer to that broader question fundamental decency requires us to increase the income of the lowest-income working Americans.

I talked to a person earning minimum wage the other day. When pay day comes, she is several days late on the rent, the fuel tank on her automobile has to be filled, she is unable to buy enough food, her family is not healthy and needs medical help, and the utility companies are about ready to shut the power off. She is faced with miserable choices. But she said she was proud to be a working person, and only wished she could make a living for her family.

An increase in the minimum wage would help families get by. It would reward work, giving 12 million workers a direct increase, and it would be good for the American economy.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 159, CONSTITUTIONAL AMENDMENT RELATING TO TAXES

SPEECH OF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1996

Mr. KLECZKA. Mr. Speaker, I rise in opposition to House Joint Resolution 159. This constitutional change is unnecessary and misguided, and I urge my colleagues to oppose it.

This initiative strikes at the very heart of our constitutional democracy, eroding the principle of majority rule. The Constitution requires a supermajority only in extraordinary circumstances, such as a veto override or impeachment of a President. This resolution would give a small minority of this House the power to block critical bills—even responsible legislation designed to balance the Federal budget—if you contain a tax increase. If Congress can declare war by a simple majority vote, surely we can pass a tax bill by the same margin.

I also foresee difficulties defining a tax increase. Earlier this year, the Republican House majority passed a bill reducing the earned income tax credit, a tax credit for our Nation's working poor. That measure effectively increased low-income Americans' taxes by reducing their credit. However, the GOP did not consider that bill a tax increase. It is likely we will see similar controversies. If Congress eliminates an unjustified tax deduction, thereby resulting in a tax bracket change for an individual or a corporation, does that constitute a tax increase? Would it require a supermajority to right this hypothetical wrong? The answer is uncertain as this legislation is currently written.

The resolution's provision waiving the two-thirds requirement for de minimis tax increases is also troublesome. By failing to define a de minimis increase, the resolution abdicates responsibility for developing this guideline and turns if over to the Federal courts. The courts will undoubtedly spend many years and thousands of taxpayers dollars delineating precisely what is meant by this term.

There are other technical difficulties with the measure. It does not define the time period over which a tax increase must be estimated in order to trigger the two-thirds requirement. Similarly, this amendment does not address situations where bills projected to decrease tax revenues actually increase taxes. Closing loopholes in the Tax Code could also be almost impossible if these efforts were subject to a two-thirds vote on the House.

Mr. Speaker, I would also note that the Republican-controlled House has not even been able to live under its own rule that income tax increases must be passed by a three-fifths vote. This rule has been waived three times in this Congress, allowing income tax bills to pass by a simple majority. If the GOP violates the spirit of its own rules, what will prohibit it from circumventing a constitutional amendment in a similar way?

House Joint Resolution 159 is the fourth attempt by this Republican Congress to amend the ''Constitution—the most ever since the post-civil war period. I urge my colleagues to vote against this resolution.

A PROCLAMATION REMEMBERING SHELLY MCPECK KELLY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Shelly McPeck Kelly, a United States Air Force Technical Sergeant that died in the plane crash along with Commerce Secretary Ron Brown, and

Whereas, Shelly McPeck Kelly, was a loyal and devoted wife, and loving mother of two; and,

Whereas, Shelly McPeck Kelly, served faithfully as an airplane stewardess in the United States Air Force achieving the rank of Technical Sergeant, and

Whereas, Shelly McPeck Kelly, should be commended for her service to the United States of America during the Bosnian Peacekeeping Operation; and,

Whereas, the residents of Eastern Ohio join me in honoring Shell McPeck Kelly for her brave and loyal citizenship to the United States.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-MCDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Ms. MILLENDER-MCDONALD. Mr. Speaker, yesterday, I inadvertently voted ''no'' on H.R. 842 the truth-in-budgeting bill, thinking that I was voting on an amendment. Had I known that I was voting on final passage, I would have voted ''yes.''

TRIBUTE TO JOHN O. HEMPERLEY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. PACKARD. Mr. Speaker, I rise today to pay tribute to John O. Hemperley, the budget officer of the Library of Congress, who passed away last Saturday. As former chairman and now as ranking member on the Legislative Branch Subcommittee of Appropriations, Congressman VIC FAZIO, worked with John for many years and joins me in honoring his memory.

Appropriations Committee members and staff rely heavily on the expertise, efficiency, and responsiveness of agency budget officers. John embodied the highest standards of dedicated public service. Both VIC and I counted on his unsurpassed knowledge and understanding of the Library's budget. John fervently supported the Library's mission and the budget funding that mission. However, he always presented the facts honestly and faithfully executed the budget enacted by the Congress.

For 196 years, the Congress of the United States supported and nurtured the Library's development. Today, it stands as a unique and treasured institution—the greatest repository of knowledge in the history of the world. The Library continues to explore new frontiers, expanding its mission to provide electronic services to all its constituent groups while maintaining its traditional services to the Congress and the Nation.

John O. Hemperley was a unique and treasured individual. For the past 23 years, he developed and cultivated the relationship between the Library of Congress and the Committee on Appropriations. He will be sorely missed, not only by those who knew and loved him here in the Congress and in the Library, but by all those who may never have known him but who benefit daily from the enormous resources the Library provides. The challenges the Library faces will be more daunting without him.

Mr. Speaker, as chairman of our Legislative Branch Appropriations Subcommittee, and for all other members of the Appropriations Committee, and our staff, I would like to express our great sorrow and extend our sincere condolences to John's wife, Bess Hemperley, their children, and grandchildren.

CHILDREN ARE OUR MOST PRECIOUS POSSESSION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. OWENS. Mr. Speaker, our children are our most precious possessions. Both Republicans and Democrats theoretically and philosophically agree on this self-evident, but nevertheless profound truth. In practice and policymaking with respect to programs that benefit children; however, there is a deep chasm of disagreement between the two parties. Since it gained control of the House of Representatives the Republican majority has waged a cruel and unrelenting war on children.

While trumpeting its support for the ''right-to-life'' for unborn children, the Republican majority has made survival much more difficult for living children. Aid to Families with Dependent Children has been eliminated as a Federal entitlement in House legislation. Within the next few weeks it is expected that the White House will surrender and agree to remove this Federal protection for poor children that has existed since the New Deal. The entitlement for MedicAid which protects the health of our poorest children is also under attack with all of the State's Governors voting to eliminate it. The new Government-health care industrial complex has already begun to endanger the lives of newborn infants and their mothers by forcing them out of hospitals within 24 to 48 hours after birth.

Immigrant children will now be searched out in schools and denied school lunches if Republican legislation prevails. And, of course, immigrant children will be denied access to Medicaid. Cuts in funding for education threaten the provision of opportunity for all poor children. Republicans have proposed to cut even the very successful HeadStart Program. Teenagers who have benefited from the Summer Youth Employment Program for more than 20 years may be the victims of the zero funding passed by the Republican majority and find there are no jobs in this summer of 1996. Children in poor working families will continue to suffer despite the fact that their parents go to work every day but are still unable to adequately provide for their families on the present hourly minimum wage.

The ''right-to-life'' is just an empty slogan unless it is accompanied by programs and policies which provide an even playing field of opportunity for all children. On June 1 the Children's Defense Fund is sponsoring a great summit in Washington called ''Stand For Children.'' This is a gathering which deserves the support of all Members of Congress. We should all join the ''Stand For Children'' on that specific day. And for all the days before and after June 1 Congress should refocus on the business of protecting our most precious resource—children outside of their mothers' wombs as well as children inside the wombs.

MESSAGE FROM THE NEWBORN TO THE FETUS

Man stay in there
The womb is where its at
Until tots slide out and breathe
The right-to-life is guaranteed
You never had it so good
Out here in America
They don't treat us
Like they promised they would
Right away at the hospital
They put us out
Cause my welfare Mom
Didn't have no clout
Stay where you are man
The womb is where its at
A smart fetus can live
Like a rich lady's cat
No food stamps for immigrants
But long picket lines protect
Our pre-birth rights
The womb they glorify
Outside they watch us die
The womb is where its at
Curled up in that nice nest
You always get the very best
But out here only fear
They'll take my entitlement
Man stay in there
Cash in on this fetus fetish
Be a hero embryo
Pro-life politicians
Offer nine months of love
But at birth's border
Immigrants from heaven
Receive a hellish shove
Until tots slide out and breathe
The right to life is guaranteed
Long protest lines protected
Our pre-birth rights
We crave the medals they gave
When we were hidden
Intimately way out of sight
The womb is where its at
Safely grow soft and fat
Immigrant school lunches are now gone
Budget cuts down to the bone
Newborns sound the trumpet
This land is littered
With ugly infant tombs
Babies must unite in battle
Make war to regain
Out wonderful respected wombs
The womb is where its at
Until tots slide out and breathe
The right-to-life is guaranteed
We appeal to the United Nations
We cry out to the Almighty Pope
The holy right of return
Is now our only hope
Man stay in there
The womb is where its at.

TRIBUTE TO MS. MARGARET SIMMS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. CLAY. Mr. Speaker, I rise to pay tribute to a magnificent lady, Ms. Margaret Simms, who retired from 23 years of service to the National Democratic Club [NDC] at the end of March. She played an important role in the daily lives of Members of Congress, political party representatives, lobbyists, and friends of the NDC. She will be sorely missed.

Margaret labored faithfully on behalf of the NDC. She performed her job with grace and perfection. She greeted all patrons with respect and courtesy. My constituents, family, friends, and I were beneficiaries of her geniality on numerous occasions. She was cherished by all of us.

On April 2, Members of Congress and friends of the National Democratic Club gathered to pay tribute to Margaret and to thank her for making their lives in Washington more pleasant. I was among those Members who took time during the recent congressional recess to personally express my appreciation to Margaret. In addition, I presented her with a proclamation, designating Tuesday, April 2, 1996 as ''Margaret Simms Day'' in the First Congressional District of Missouri, in recognition of her dedication, excellence, and hospitality to citizens of the First District. It was an honor much deserved.

I wish Margaret Simms great health and wonderful fellowship in her retirement.

A TRIBUTE TO THE VARICK FAMILY LIFE CENTER

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Ms. DELAURO. Mr. Speaker, this Saturday, April 20, 1996 the Varick Family Life Center will celebrate its official opening. The Center is a multi-service resource and support center for children and families in the Dixwell Avenue neighborhood of New Haven. It is with great pleasure that I rise today to commend this wonderful organization.

The Varick Family Life Center adheres to the Old African proverb ''It takes a whole village to raise a child.'' The proverb encapsulates one of the main goals of the Center which is to make already existing services more available to the residents of the neighborhood. Parents will be guided through the use of family services and have an advocate as they seek the resources they need. Effectively bringing parents into contact with community resources will go a long way toward making parents feel connected to the community and neighborhood.

The second goal of the Center is to provide families with the tools to become self-sufficient. I believe that this dual focus of family and community will be the cornerstone of the Center's success. By integrating the many human services and programs available in New Haven neighborhoods, the Center hopes to insure that all the needs of the family are attended to and that no family slips through the cracks. By truly coordinating family services, the Center will make vital community resources more available to the families that need them.

The Center will maintain its focus on families by appointing four neighborhood residents and training them to act as Family Resource Specialists. These specialists will focus on the social, health and financial concerns of needy families. I believe that this is the most crucial aspect of the Center. The Family Resource Specialists will work with parents to help them become more proactive rather than reactive in situations that affect their lives and families. Economic and financial concerns are addressed by the Center through job training and educational programs in the areas of budgeting and money management. By providing parents and families with these valuable tools we are enabling them to become more self-reliant and independent. We are giving them a chance to make a difference in their own lives and to feel that they have some control over their life's course. This is ultimately the most important and best solution to the problems and challenges faced by the residents of the neighborhood.

I commend the congregation and leadership of the Varick Memorial AME Zion Church for their amazing dedication to this worthwhile project. They have every reason to believe that their vision and hopes for the project will be realized. The Center is a wonderful community resource that should serve as a model for other cities and towns in Connecticut and in the Nation.

IN HONOR OF DR. HENRY PONDER

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. CLEMENT. Mr. Speaker, it is an honor and a privilege for me to pay tribute to one of Nashville's favorite citizens, Dr. Henry Ponder. Dr. Ponder is retiring from his position as President of Fisk University shortly, and he will be missed at that fine institution and in the Nashville community more than words can say.

I am certain, however, that we will not find Dr. Ponder resting on his laurels. In fact, he will be coming to Washington to head an organization whose mission is to further the cause of minority higher education. I look forward to having Henry and his lovely wife Eunice as neighbors in our Nation's Capitol. I am certain he will continue to make all of us very proud.

I have had the great pleasure over the years to interact professionally with Dr. Ponder on several occasions. Most recently, he came to Washington and we both testified in front of the House Subcommittee on National Parks, Forests and Lands in support of legislation I introduced that would provide much-needed monetary support for the restoration of historic buildings on the campuses of America's Historically Black Colleges and Universities. As a college president, Dr. Ponder has always attended to the needs of every aspect of university life. Not only was he responsible for eliminating a $4 million debt at Fisk, he also staged an extremely successful 5-year, 25 million capital campaign that revitalized and reenergized the school.

By the same token, Dr. Ponder realized the importance of obtaining funds to restore badly deteriorating buildings, such as Administration Hall, whose history and significance are an embodiment of all that Fisk stands for. The health of the complete university—from fundraising to student recruitment to building maintenance to school spirit—is Dr. Ponder's mission. By all accounts, he is leaving Fisk University in a state of wonderful health.

Dr. Ponder is a native of Oklahoma. He received his Bachelor of Science from Langston University, his Masters Degree from Oklahoma State University and his Ph.D. from Ohio State University. Prior to becoming president of Fisk, Henry Ponder served in various academic and administrative positions at universities throughout the Southeastern United States: president of Benedict College in Columbia, SC; vice president and dean of the College of Alabama A&M University; chairman of the department of agribusiness and assistant professor of that department at Virginia State College in Petersburg, VA.

Henry Ponder is also an economist of national and international renown. He has served as a consultant for and on special assignment to the Federal Reserve Bank of New York, Philadelphia National Bank, Chase Manhattan Bank, the Irving Trust Co. and Omaha National Bank. Dr. Ponder also serves on the Bishop Desmond Tutu Southern Africa Refugee Scholarship Fund committee. In 1986, he was chosen as one of the ''One Hundred Most Effective College Presidents in the United States.''

On behalf of all Nashvillians, Dr. Ponder, thank you for all you have done to improve the quality of life at Fisk and in the community. People with your dedication and energy are rare indeed, and those of us who have had the pleasure of working with you can only consider ourselves blessed for the lessons you have taught us and the example you have been. You have left an outstanding legacy of growth and achievement that will stand for decades to come. We wish you well in your new career. You will be missed.

SHERROD RAYBORN, LONGTIME LAWRENCE COUNTY CHANCERY CLERK, IS HONORED

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress to ask you to join me in paying tribute to the late Sherrod Rayborn, who died March 24, 1996, at the Mississippi Baptist Medical Center following heart surgery.

Sherrod Rayborn was elected to his first term as Lawrence County chancery clerk in 1972, and he served in that position for 24 years. At the time of his death at age 60, he had recently begun serving his seventh term. A native of Walthall County, he attended school in Lawrence County and spent his adult life in Monticello. Mr. Rayborn was a member of Bethel Baptist Church, where he served as a deacon. He also was minister of music at the church for the last 26½ years.

In addition to his career in politics, he also was known for his musical talents, his sense of humor, and his positive outlook. Several friends describe Sherrod Rayborn and his service to the county and the church as ''irreplaceable.'' But I was particularly moved by what his friend Carey Hedgepath told a local reporter: ''He was a man of character. You could take for granted the accuracy of anything he told you.''

These words are a fitting tribute to Sherrod Rayborn. Indeed, he is irreplaceable and truly an unforgettable friend to those who knew him. He will be greatly missed by his friends and family. He is survived by his wife, Madeleine; two sons, Mitch and Kevin; a daughter, Mali Rayborn Powell; a brother, W.T.; two sisters, Willene Alexander and Alyne Sumrall; and a grandson, Jerrod.

Mr. Speaker and my colleagues in the U.S. House of Representatives, I ask you again to join me in honoring a man of character, Sherrod Rayborn, his willing sacrifice of his time and energy for the public good, and his representation of all that is good, true, and steadfast in our society.

CAMP TALL TURF MAKING A DIFFERENCE

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I take this time to tell you about an extremely important and effective program for inner-city children and families in my district. Every summer since 1968, hundreds of

children, ages 8–16, have been given the opportunity to get away from it all by attending Camp Tall Turf. The camp is appropriately named for its location among very large trees in Walkerville, MI. At Camp Tall Turf campers learn that God is present and that there can be no taller turf than that. The camp was established in response to racial strife that was prevalent during the sixties in cities across the Nation. Since that first summer over 15,000 young people have benefited from the positive Christian activities and messages presented by the caring, committed, and dedicated staff of Camp Tall Turf.

When the founders of this camp first came together, little did they know that their ideas and visions would reach this level almost 30 years later. The camp, located on Lake Campbell, provides an environment conducive to growing both mentally and spiritually. Through daily chapel, cabin devotions, drama, and singing, each camper gains a new outlook on his or her life and is able to store away these lessons for the future. These valuable lessons have helped prepare hundreds of children, who might not have received the opportunity otherwise, for roles of service and leadership in their young adult and adult lives.

It is important to point out that Camp Tall Turf is not just a one day, week, or month gathering. Staff members work year round to continue relationships that have been established at the summer camp. These relationships are so very important for the young people who need Christian role models and friends. In addition to encouraging meaningful and positive social relationships, the interaction between the staff and the child helps promote cooperation, companionship, and respect. Camp Tall Turf also helps to provide opportunities and experiences that strengthen self confidence and build character in youths who are involved with the camp.

Mr. Speaker, far too often we read or hear negative stories involving children. Camp Tall Turf and its staff should be praised for their continuous effort to change the negatives that we read and hear about, and make them positive. Their work to enhance the quality of life and relationships of others should not go unnoticed and should serve as an example for others to follow. It is a great pleasure and honor for me to commend the founders, board and staff of Camp Tall Turf for their outstanding work.

HOLOCAUST REMEMBRANCE DAY

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. WATTS of Oklahoma. Mr. Speaker, today is Holocaust Remembrance Day. It is a time to pause and pray for the day when mankind will value understanding over hate, respect over contempt, and life over death. Today we must take time to remember this event. We cannot let the day slip by without a solem moment for remembrance.

I cannot know their names nor see their faces, but in my heart, in my mind, and in my prayers, I pause today to remember the millions of men, women, and children whose lives were taken in one of history's most heinous events—the Holocaust.

I ask my colleagues and the people of the world to do the same. Please pause for a moment today and recall the needless loss of mankind that was the Holocaust. While it must never be repeated, we must never forget its occurrence. Let the people of the world take time to recognize what happened and to recall those who perished. We owe them the time to remember.

IN MEMORY OF RUBY WORTHEN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a longtime civic and political leader from east Texas—Ruby Irene Worthen of Terrell—who died recently at the age of 95. Mrs. Worthen was an outstanding citizen who devoted a lifetime to helping those in her community, and she will be missed by all those who knew her.

Born on Jan. 22, 1901, Mrs. Worthen served her community as a teacher, home demonstration agent for the Texas A&M Extension Service, real estate agent, and as a moving force in community activities in Terrell—especially in the development of services for senior citizens. On her 95th birthday this year, the Kaufman County Commissioners' Court recognized her life of dedication to others by proclaiming the day as Ruby M. Worthen Day in Kaufman County. The proclamation noted her many accomplishments and contributions to the community and stated that ''she is perhaps most widely known and highly acclaimed as a loving and selfless caregiver to anyone in need, having provided meals and a place to live for many through the years.''

Mrs. Worthen was active in the Democratic Party. She taught the senior adult ladies Sunday school class at the First Baptist Church for several years. She also was active in the AARP.

Mrs. Worthen was preceded in death by her husband, Don; a sister, Idella Coffman; and a brother, T.O. Mashburn. She is survived by a brother, Eugene Mashburn of Dallas, a sister, Thelma Mashburn of Terrell, and other relatives and friends. She was well-loved and well-respected in Terrell, and she will be missed by all those who knew her. Mr. Speaker, I am honored today to pay a final tribute to this outstanding community leader, Ruby Irene Worthen of Terrell, TX.

IN REMEMBRANCE OF APHIS EMPLOYEES

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. DE LA GARZA. Mr. Speaker, 1 year ago, on April 19, 1995, 168 people were murdered in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. The explosion killed scores of innocent children and adults, injured hundreds, and devastated thousands of lives. We remember and honor them all.

I took part in a ceremony in South Texas in which the Kika de la Garza Elementary School in the La Joya school district planted a tree in memory of the children who died in the Oklahoma bombing to link themselves to the loss. I was particularly moved by this ceremony because although they did not know any of the children personally, they had a common bond in that they were children also.

I, too, have a common bond with some of the victims. In this case the bond is the agricultural community.

Among the victims were seven employees of the Department of Agriculture's Animal and Plant Health Inspection Service—dedicated workers who left a legacy of service and believed that protecting American agriculture was a goal worth achieving.

These were people who were loved by their families and friends and respected by their colleagues. Today, we especially remember and honor these APHIS employees.

We honor as well the survivors and the many people who gave of themselves to aid in rescue efforts and reach out with helping hands and loving hearts. In their hope, we found hope: in their strength, we found strength; in their actions, we found the power to act. In adversity, America came together.

Robert Green Ingersoll said ''in the night of death hope sees a star and listening love can hear the rustle of a wing.'' We remember those who lost their lives in Oklahoma. We embrace those who were left behind, and we hope our caring helps soothe their grief.

Together, we all listen for the rustle of a wing that whispers of hope.

PROBLEMS WITH TRUTH IN BUDGETING

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. ORTON. Mr. Speaker, yesterday, the House considered and passed H.R. 842, the so-called Truth in Budgeting Act. During my statements in opposition to this unwise bill, I made reference to a letter sent last year by the Council for Citizens Against Government Waste, in opposition to this bill.

I would now like to enter this letter into the RECORD. I believe it makes a compelling case against enacting this bill into law.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC, March 16, 1995.

DEAR REPRESENTATIVE: We were intrigued when we learned of proposals to move the various transportation trust funds off-budget and out of the hands of the usual budgeting and appropriations process. Despite proponents' arguments for ''truth in budgeting,'' we discovered that advocates of off-budget transportation trust funds seek not to increase fiscal accountability but to increase the ease of pork-barrel spending.

While the Committee on Transportation and Infrastructure does not have a corner on congressional pork-barrel spending, the committee's record is seriously tarnished. The 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), replete with such dubious pork as studying the use of zebra mussels as an infrastructure building material or building bicycle paths with highway funds, is as much evidence as we need to conclude that the off-budget trust funds proposal lacks credibility.

There is also alarming and vicious counter-attack from pork-barrelers to Rep. Bill

Orton's suggestion that line-item veto authority extend to ''contract authority'' for which transportation authorizations are famous. Since the Council for Citizens Against Government Waste (CCAGW) testified at joint line-item veto hearings in favor of presidential authority over contract authority as proposed by Rep. Orton, you can understand that we are suspicious that the off-budget transportation trust funds gambit is yet another end-run for the pork-barrel goal line.

The past pattern of pork-barrel abuse in funding highway, airport and waterway projects compels us to recommend in the strongest possible manner that you defeat any attempt to move the transportation trust funds off-budget. Indeed, a message needs to be sent to the entire Transportation and Infrastructure Committee—majority and minority—that we had an election last November. The old days are gone.

A final note: Not gone, apparently, are threats to cancel projects in the districts of legislative opponents, an all-too-frequent bullying tactic of the folks who used to run Congress that showed up again in the debate on the Orton amendment to the line-item veto bill. CCAGW deplores such threats and, knowing that the public would not take kindly to such intimidation and threats, hopes Members will make them known when they occur.

Sincerely,

TOM SCHATZ,
President.
JOE WINKELMANN,
Chief Lobbyist.

THE FUTURE IS OURS TO CREATE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. McDERMOTT. Mr. Speaker, I am pleased to welcome the Wound, Ostomy and Continence Nurses Society [WOCN] to my congressional district, Seattle, WA, on June 15–19, for their 28th annual conference. The theme of the conference, ''The Future is Ours to Create,'' will focus on future opportunities and challenges relating to the changing and expanding role of enterostomal therapist [ET] nurses and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, the WOCN is the only national organization for nurses who specialize in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. WOCN, an organization of ET nurses, is a professional nursing society which supports its members by promoting educational, clinical, and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies, and incontinence.

In this age of changing health care services and skyrocketing costs, the WOCN nurse plays an integral role in providing cost-effective care for their patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I am honored that WOCN has chosen Seattle to host its conference and wish them every success.

TRUTH IN BUDGETING ACT

SPEECH OF

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund:

Mr. TORKILDSEN. Mr. Chairman, I rise in opposition to H.R. 842, a bill to move transportation trust funds off budget. This change would increase the deficit and stymie future efforts to balance the budget.

This bill is the equivalent of telling someone to learn how to swim while they're drowning. Moving the trust funds off budget will make sense when Congress has its fiscal house in order, but it should not be implemented when the Federal Government is drowning in a sea of red ink.

Furthermore, the Congressional Budget Office estimates that exempting the transportation trust funds from spending cuts could increase the deficit by over $20 billion over 5 years.

Our goal of balancing the budget must come before attempts to restructure the budget. I am not opposed to moving trust funds off budget, in principle, but we must balance the budget first.

Mr. Chairman, I urge my colleagues to defeat this bill and ensure that our efforts to balance the budget stay on course.

TRUTH IN BUDGETING ACT

SPEECH OF

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund:

Mr. HOSTETTLER. Mr. Chairman, today we are having a very controversial debate about where the truth in budgeting transportation funds really lies. I rise today in support of H.R. 842, The Truth in Budgeting Act.

Every time you or I pull into a gas station and fill up our cars or pay a tax on an airline ticket, we are sending money to Washington to build new highways and maintain our current transportation systems. Decades ago, these transportation trust funds were established to collect taxes from transportation users and invest in transportation capital. Today, we find the transportation trust fund balance at $30 billion. The existence of this on-budget trust fund surplus only reinforces the public's belief that they are not getting an honest return for the taxes they pay to Washington. This issue is about tax fairness.

Spending and investment in necessary transportation improvements has been held down to keep the balance of the trust fund artificially high in order to mask the true size of the deficit, this is just not honest. Those who pay into the trust fund should be able to count on those dollars going toward the purpose for which they were intended.

H.R. 842 does not add to the deficit. According to a March 20, 1996 estimate from the Congressional Budget Office, taking programs off budget does not change total spending of the Federal Government and does not affect spending or revenue estimates for congressional scorekeeping purposes.

H.R. 842 does not alter the transportation spending process. Congress will still have to approve every new dollar of trust fund spending.

H.R. 842, however, does assure this: When a taxpayer back home pays gasoline or airline ticket tax to the Federal Government, he knows it is going towards building or improving our national transportation system.

AMERICA DESERVES A RAISE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. PACKARD. Mr. Speaker, while the President offers a politically appealing, yet ineffective plan to give Americans a raise, my Republican colleagues and I have a very sound plan to give millions of working American families more money in their paychecks and greater power to decide how and where the Federal Government spends their hard earned pay.

Under the President Clinton's plan to raise the minimum wage, countless employers will have to rob Peter to pay Paul. Millions of working men and women will lose job opportunities, employment security, and pay raises. The Republican plan gives Americans the raise they deserve. It provides tax relief for families with children. Over 6 million new and more secure high-wage jobs will result from a balanced budget and less Washington redtape.

Mr. Speaker, the President's plan to raise the minimum wage is a bad policy. It is simply a political ploy designed to divide America along class, ethnic, and gender lines. Even some of the President's own advisers, agree that his proposal hurts the people most in need: low-skilled workers, women and intercity residents. It does not help working families.

American families deserve more. They deserve to keep more of their hard earned money, they deserve lower interest rates and they deserve better, higher wage jobs. My Republican colleagues and I provide working families a true raise—the President's policies do not.

THANK YOU, VIRGINIA CARTER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. BARCIA. Mr. Speaker, dedicated individuals who are willing to put the interests of those in their community ahead of their own comforts are people we should admire. The

people of Sanilac County within my congressional district have been blessed with such an individual, Mrs. Virginia Carter, who is retiring after 20 years as a member of the Sanilac County Mental Health Board's Recipient Rights Advisory Committee.

People who have benefited from the excellent care provided by Sanilac County Mental Health Services have most assuredly benefitted from programs either pioneered by Virginia Carter—supported employment, for example—or thriving because of her devotion to maintaining these important programs.

Not only has Virginia Carter served for 20 years on the recipient rights committee, she has been elected chairperson for 18 of those years, a real testimony to the fact that she is held in high esteem by her colleagues on the committee.

Mental health care can be a particularly trying field. Most people have a more difficult time dealing with the identification and treatment of mental health problems. Signs are not as easily identified as is a cold, nor is treatment as easy as a prescription for several days. Those who deal with the needs for mental health services must be patient, understanding, and resilient. They also need to have the support of understanding people like Virginia Carter who knows the meaning of pursuing quality care.

It has been my privilege and pleasure to know many fine, dedicated people who live in Sanilac County. It is a particular pleasure to join with so many of them who will be honoring her at a special retirement event this Friday evening.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing her the very best.

PERSONAL EXPLANATION

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. HORN. Mr. Speaker, on rollcall No. 120, I regret having been unavoidably detained in a meeting with constituents, which prevented me from voting aye in support of House Resolution 316: Deploring individuals who deny the historical reality of the Holocaust and commending the work of the U.S. Holocaust Memorial Museum.

This is particularly ironic since I have spoken out for over two decades about the foolishness and evil of those who deny the Holocaust and the murder of 6 million Jews in Nazi-controlled Europe during the Second World War.

Had I been present, I would have voted ''aye.''

TRIBUTE TO DR. ROBERT E. HENDERSON

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. SPENCE. Mr. Speaker, I rise today to recognize Dr. Robert E. Henderson, as he retires as President and Director, Chief Executive Officer of the South Carolina Research Authority [SCRA]. The SCRA was established in 1983 as a nonprofit scientific and engineering corporation to address national and international manufacturing issues through the development of new technologies. For the past 12½ years, Dr. Henderson has shaped the SCRA into the dynamic organization that it is today, and South Carolinians are most appreciative of the contributions that he has made to our State and to the Nation.

Under the leadership of Dr. Henderson, nearly one-half billion dollars have been invested, sold, and/or contracted through SCRA research parks and technology management programs. In addition to leading South Carolina to the cutting-edge of technology, the SCRA has become a recognized leader nationally, through SCRA projects, technology, and corporate teams representing activity in almost every State in the Union.

Dr. Henderson has always responded to the call of his country and his community. During World War II, he served as a staff sergeant in the infantry of the U.S. Army, and was awarded the Purple Heart medal. He then received the bachelor of arts degree in physics from Carlton College, as well as the masters of arts degree in physics and the doctor of philosophy degree in physics from the University of Missouri.

Dr. Henderson has distinguished himself in the fields of physics and engineering, and he has published numerous scholarly articles. He has been appointed to the Defense Science Board and the Defense Manufacturing Board, in addition to having served as president of the Indianapolis Scientific and Engineering Foundation, director of the International Solar Energy Society, and a member of the Board of Visitors of Clemson University. He recently received South Carolina's highest recognition, The Order of the Palmetto.

Dr. Henderson has made great contributions to South Carolina and to our country through an outstanding career that has been diverse and exemplary. He is wished much continued success as he moves on to face new challenges and rewards.

TALENTED HIGH SCHOOL STUDENTS REPRESENTING OREGON

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Ms. FURSE. Mr. Speaker, on April 27–April 29, 1996, more than 13,000 students from 50 States and the District of Columbia will be in Washington, DC, to compete in the national finals of the ''We the People . . . The Citizen and the Constitution'' Program. I am proud to announce that the class from Lincoln High School from Portland will represent Oregon and the First Congressional District. These young scholars have worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Oregon are: Students: Vasiliki Despina Ariston, Jereme Rain Axelrod, Rebekah Rose Cook, Tawan Wyndelle Davis, David Eyre Easterday, Amanda Hope Emmerson, Tiffany Ann Grosvenor, William John Hawkins IV, Soren Anders Heitmann, Stacy Elizabeth Humes-Schulz, Martissa Tamar Isaak, Heather Brooke Johnson, Katherine Mace Kasameyer, Christopher Michael Knutson, Jeanne Marie Layman, Daniel Hart Lerner, Casey James McMahon, Lindsay Katrina Nesbit, Gerald William Palmrose, Mary Ruth Pursifull, Catherine Clare Rockwood, Daniel Boss Rubin, Elizabeth Leslie Rutzick, Mark Richard Samco, Kathryn Denelle Stevens, Simon Brendan Thomas, Miles Mark Von Bergen, Lauren Elizabeth Wiener, and Farleith Aiken Wolfe.

I would also like to recognize their teacher, Mr. Hal Hart, who deserves much of the credit for the success of the team. The district coordinator, Mr. Daniel James, and the State coordinator, Ms. Marilyn Cover, also contributed a significant amount of time and effort to help the team reach the nmational finals.

The ''We the People . . . The Citizen and the Constitution'' Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the ''We the People'' Program, now in its ninth academic year, has reached more than 70,400 teachers, and 22,600,000 students nationwide at the upper elementary, middle and high school levels. Members of Congress and their staff enhance the program by disucssing current constitutional issues with students and teachers.

The ''We the People'' Program provides an excellent opportunity for students to fain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.

PERSONAL EXPLANATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. BARTLETT of Maryland. Mr. Speaker, on rollcall No. 124, I was off the Hill well within 15 minutes return time. My pager did not respond to the 15-minute call. It did respond to the 10-minute call.

Had I been present, I would have voted ''yes.''

THE WATER QUALITY PUBLIC RIGHT-TO-KNOW ACT OF 1996

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. WAXMAN. Mr. Speaker, today I am introducing the Water Quality Public Right-To-Know Act of 1996. This bill will guarantee the public's right to know about the contaminants that they are exposed to in their drinking water.

Under current law the public has no information about the presence of serious contaminants in their drinking water. Every year millions of Americans unknowingly drink tap water contaminated with cryptosporidium, carcinogens, and arsenic. If we can't prevent this contamination, we should at least give our constituents the ability to protect themselves.

The Water Quality Public Right-To-Know Act of 1996 will require water systems to annually report to their customers a plainly worded explanation of the health implications of contaminants present in their drinking water. It also allows States the flexibility to shape this program.

During the last 2 years many of my Republican colleagues have argued for a devolution revolution. They have urged that we move power from the Federal Government to the State and local level. My legislation goes one step further. It requires that information be given directly to our constituents, which will allow them to make individual choices about the level of exposure to dangerous contaminants.

A TRIBUTE TO CHARLOTTE J. VISCIO

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. McNULTY. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This year more than 116,000 secondary school students participated, competing for 54 national scholarships.

I am pleased to announce that my constituent, Ms. Charlotte J. Viscio, a senior at Guilderland Central High School in Guilderland, NY, has been named a national winner and recipient of the Larry W. Rivers Scholarship Award.

This year's theme was ''Answering America's Call.'' I found great inspiration in Charlotte's words and wanted to share them here with my colleagues. They are as follows:

It doesn't sound like a trumpet or an angel's harp. Nor does it echo like a cannon or fire crackers on the Fourth of July. It's not about war or winning. Nor is it about uniforms or medals. It's not just for leaders or peacemakers, soldiers or sons. Nor is it only for women. Whether ten or eight times ten, age makes no difference. The call of America is simply what United States citizens, proud and loving of their country, answer to when their services are needed.

In some, the call is not loud, while in others, it's the only thing that they hear. For the President of the United States, this call is his job description. If he fails to answer, he's failed as America's leader and role model. Some Americans hear the call loud and clear and enlist in the military. Often, they are sent to foreign countries to strive for an American goal, realizing that they might lose their lives for America. And what, exactly, in America is worth fighting for? What is in our country's history that is worth preserving? It is the strongest nation in the world. It is a symbol of hope for countries striving for democracy. It is a place on the earth where all nationalities, religions, sexes, races and colors are unified by equality. America screams of hope and strength and leadership. And this is within every American.

To be an American is a choice. Just because a person lives in the United States does not mean that he or she is a true American. A true American recognizes the call and is willing to answer it. It is not hard to answer. Some answer by volunteering their services to fire companies, food drives and charities. Others collect litter from the sides of roads, improving the appearance of American land. Many people answer the call by casting their votes on election day for the candidates they feel will make strong American leaders. All these activities are examples of how people answer America's call, giving of themselves for the betterment of their country.

What called these Americans to their duty? Was it a television or radio advertisement? Were they inspired by a hero or a role model? Or, was it simply the voice inside them, the voice of their conscience leading them to serve their country? Within every true American's heart, the call exists.

Answering this call is the duty of an American. The United States is a proud country, but it isn't self-centered. It has concern for other nations around the world and strives to help these nations. This is a reflection of its people. Since they are willing to give their services to their country they make life better not only for themselves but for their fellow Americans and others around the world.

America is the voice of democracy. It is not the voice of one person but of all Americans, an accumulation of answers they have given to their calls. Nothing sounds louder than America's response. Nothing is more powerful. This is the foundation of the United States of America. A person simply needs to listen closely for the call within and then respond with the conviction that shows and professes, ''I'm proud to be an American.''

CONGRATULATIONS HERITAGE CHRISTIAN HIGH SCHOOL STUDENTS—''WE THE PEOPLE'' CHAMPIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate a group of students from Heritage Christian High School in West Allis, WI, and their teacher, Mr. Tim Moore, on being judged this year's State of Wisconsin ''We the People'' champions.

The ''We the People'' program, funded by the U.S. Department of Education by an act of Congress, promotes the study of our Nation's Constitution. Mr. Moore's students have displayed an exceptional foundation of knowledge of its history, as well as the constitutional issues of today.

The Heritage Christian High School group has been given the honor of representing the State of Wisconsin in the national ''We the People'' competition to be held here in Washington, DC. I am very proud that these students come from Wisconsin's Fourth Congressional District and commend their hard work and dedication.

Once again, I congratulate Mr. Moore and his students and wish them the very best of luck in the upcoming competition.

RONALD J. DEL MAURO HONORED FOR OUTSTANDING LEADERSHIP BY MENTAL HEALTH ASSOCIATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor Mr. Ronald J. Del Mauro, president and CEO of St. Barnabas Health Care System. On April 20, 1996, Mr. Del Mauro will be honored by the Mental Health Association of Essex County for his outstanding leadership and philanthropy in serving as head of the St. Barnabas Behavioral Health Care System. His worked has helped thousands of residents who are often the most vulnerable members of our population—the mentally ill.

Mr. Del Mauro created the St. Barnabas Behavioral Health Network because, unfortunately, for many parents and their children, a number of health services are often separated for those with psychiatric problem and those with substance abuse problems. Mr. Del Mauro, recognizing this, created the St. Barnabas Behavioral Health Network to provide parents and their children with a place to turn get appropriate diagnosis and treatment.

Mr. Del Mauro is also responsible for the St. Barnabas Health Care System which includes, in addition to St. Barnabas Medical Center, the 201-bed Union Hospital, four nursing homes with 660 beds, 10 corporate affiliates and 20 for-profit business ventures. The St. Barnabas Health Care System operates in 13 facilities throughout New Jersey and the Behavioral Health Network has 17 locations in the tristate area. More than 7,000 employees, including 1,800 physicians, treat a total of 59,000 inpatients, and provide treatment and services for more than 300,000 outpatient visits annually.

I recently had the opportunity to visit St. Barnabas and tour their facility in Livingston, NJ. The health care delivery system Mr. Del Mauro has developed is an outstanding one and I would strongly recommend any of my colleagues look to at St. Barnabas as a national model.

Mr. Del Mauro is also an active and effective leader in other areas. He serves as chairman of the New Jersey Hospital Association, as well as being a member of the Center for Health Affairs, Inc., Life Sciences Advisory Committee of the CIT Group, Inc., Seton Hall University Center for Public Services Advisory Council, board of trustees of the Paper Mill Playhouse and the Essex/Hudson/Union Hospital Council.

He is a graduate of Seton Hall University, where he served as a adjunct professor at the Graduate School of Public Administration from 1983 to 1985.

Mr. Speaker, today I honor Mr. Del Mauro for his leadership in helping to make our communities a healthier place to live and for his ongoing commitment to the mentally ill in New Jersey.

TAXPAYER BILL OF RIGHTS

SPEECH OF

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. ALLARD. Mr. Speaker, Congress has passed a new Taxpayers' Bill of Rights to help level the playing field between our citizens and the IRS.

The Tax Code is long and complicated, and taxpayers make legitimate mistakes on their returns. When folks make honest mistakes, they shouldn't be exposed to what often boils down to bullying and harassment by the IRS.

The Taxpayers' Bill of Rights reforms numerous tax collecting operations of the IRS to protect taxpayers. Foremost is the creation of a taxpayer advocate, who must assist taxpayers in resolving and preventing problems with the IRS. The advocate also can require the IRS to meet deadlines in performing tasks for taxpayers.

Other important provisions include changes in terminating tax payment plans, waiving interest and penalties, and awarding costs and fees in legal disputes.

Many people view the IRS as a massive bureaucracy that acts without proper authority. This important bill makes a number of changes to protect people who have legitimate grievances with the IRS, while ensuring that taxes are collected fairly.

This bill was adopted just 1 day after the House unfortunately failed to approve a tax amendment to the U.S. Constitution. The amendment would have required a full two-thirds of the House or Senate vote to approve any legislation that would increase personal, business, or other Federal taxes.

Although I am disappointed the amendment failed, I am pleased by the broad support it did receive.

Congress has proven time and again that it cannot control its urge to raise taxes. The amendment would have created more accountability and would have forced Congress to work in a more bipartisan manner on tax issues.

Passage of the second Taxpayers' Bill of Rights helps take away some of the sting from the failure of the tax amendment.

MORE INDIAN OPPRESSION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. BURTON of Indiana. Mr. Speaker, on Thursday, April 18, the Indian police detained six Kashmiri leaders when they tried to peacefully walk to India's military headquarters in the Kashmiri capital of Srinigar to protest India's human rights violations.

The six, who are well known on Capitol Hill for their tireless efforts to win the right of self-determination for Kashmiris and are all executive members of the All Parties Hurriyat—Freedom—Conference, were stopped by police as they approached the United Nations Military Observer Group's office. Syed Ali Shah Geelani, Abdul Gani Lone, Shabir Shah, Abdul Gani Bhat, Moulana Abass Ansari, and Yasin Malik were only allowed to walk 2 kilometers—1 mile—through the deserted streets on Srinigar before being detained by police.

Mr. Speaker, as you may know, the Government of India has banned public gatherings in Kashmir to prevent protests against India for its terrible human rights violations against the people of Kashmir. In response to this continual brutality, the Hurriyat had called a strike in the Kashmir Valley and asked Kashmiris to remain indoors. Why did these leaders risk their lives to challenge India? According to Abdul Gani Bhat—one of the detainees, we walked to offer our lives to the Indian army for peace and stability in the whole sub-continent.

Most of these leaders have already narrowly escaped attempts on their lives by renegade militant groups which have been armed and supported by India's intelligence agencies. So perhaps for them—risking their lives one more time is business as usual. Nevertheless, their bravery to secure peace and happiness for the people of Kashmir should not be ignored here in the U.S. Congress.

Mr. Speaker, while I wish I could say that this most recent incident is isolated—it is not. For the last decade, the Government of Indian has used every measure at its disposal to suppress the peace-loving people of Kashmir who desire nothing more than the internationally-recognized right of self-determination. As Thursday's events demonstrate, the leadership of India only respects the right of free speech when the words are spoken by the majority Hindu population. The time has come for the U.S. Government to forcefully condemn this tyrannic behavior and demand the immediate release of these six Kashmiri leaders.

If India ever hopes to be treated as the world class power it believes it is—it must respect human rights.

IN HONOR OF THE HOMETOWN TREES PROGRAM

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Hometown Trees Program for its dedicated service toward improving and preserving hometown landscapes. The program which began 4 years ago will plant its 4 millionth tree on Earth Day, April 22, 1996. I would also like to take this opportunity to honor Kristin Hyman, the 9-year-old grand-prize winner in a nationwide contest on the importance of trees.

The Hometown Trees Program has prospered since its inception 4 years ago. Every spring, the program teams up with thousands of local volunteers who plant trees in their communities to ensure that future generations will enjoy their natural beauty. To date, through the Hometown Trees Program, more than 3 million trees have been rooted in over 1,500 cities in 43 States.

The program's pledge to enhance, protect and generate awareness about the environment is of great importance. The planting of one tree today will serve the community for hundreds of years to come. This program also develops amongst our children an appreciation for nature that will serve our Nation for generations that follow.

In February, a nationwide essay contest was held to increase children's environmental awareness and appreciation. I am pleased to announce to my colleagues that the winner of the nationwide event was 9-year-old Kristin Hyman of Bayonne, NJ. Her poem, ''Tree Reasons,'' was selected from the hundreds of entries received in her age group for its creativity and uniqueness. I am proud to say that she will be honored in a special ceremony in her hometown on Earth Day.

I ask that my colleagues join me in honoring the achievements of the Home Trees Program and its continuing commitment to the environment. I would also like to pay tribute to Kristin Hyman, a special young lady who has demonstrated to her community that no one is ever too young to care for and appreciate the environment. I am proud to have such a talented young woman living within my district.

RAISE THE MINIMUM WAGE

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thusday, April 18, 1996

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise in strong support of the Democratic efforts to raise the Federal minimum wage.

The proposal for a moderate 90-cent increase in 2 years is needed because workers at the minimum wage level have actually seen their real incomes decrease in the last decades. In 1979, the minimum wage was the equivalent of about $6 per hour in 1996 dollars.

Real wages and the purchasing power of millions of families have become stagnant. We must support the incentives that reward hard work, such as a minimum wage.

When I was Governor of Puerto Rico, I took the bold step of asking the Federal Government to extend minimum wage laws to Puerto Rico, where at the time they did not apply. Special interests and many corporations lobbied hard against it, predicting economic havoc and job displacement.

Such bleak scenarios did not materialize. In fact, the minimum wage has been a blessing for the 3.7 million American citizens of Puerto Rico. It raised the standard of living of thousands of working class families, took tens of thousands of working families out of welfare and brought them added dignity.

Both sides of the aisle should seek to promote and assure a decent standard of living for all Americans. Raising the minimum wage is a wise move, based on solid economic policy and common sense.

I urge our colleagues to support raising the minimum wage to $5.15 an hour over the next 2 years. Millions of hard working Americans who deserve better economic opportunities will appreciate our leadership.

SALUTE TO DON NICOLAI, CHEVRON USA AND OLYMPIC HIGH SCHOOL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. MILLER of California. Mr. Speaker, today I rise to salute the contributions of

Chevron USA and particularly their dedicated employee Don Nicolai, manager of business products and services, to Olympic High School in Concord, CA.

Mr. Nicolai first became involved with Olympic High School when he served as ''principal for a day'' in 1994 through a local schools and business partnership initiative. That service for a day turned into much, much more, prompting the Olympic staff and students to vote to rename their guest principal ''hero of the year.'' The expanse of Mr. Nicolai's contributions includes a donated van for transporting students, numerous pieces of equipment and furniture, work experience and summer employment opportunities for Olympic students and sponsorship of ongoing employability skills training seminars. Additionally, Mr. Nicolai has made it possible for several other Chevron employees to be present in the classrooms, working directly with students to share their professional expertise and personal talents.

Don Nicolai and Chevron USA have formed a substantive, long-term partnership with Olympic High School that goes far beyond the rhetoric of school-business partnerships or school-to-work transition. They see the value in a well-prepared work force and recognize that changing the social and economic conditions that plague our communities today must be addressed by individuals and businesses which can lend a helping hand.

I am pleased to rise today to recognize Mr. Don Nicolai, and I am confident that my colleagues join me in this tribute.

IN TRIBUTE TO DAVID LEON FORD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. DINGELL. Mr. Speaker, 33 Americans were taken from us far too early in the plane that crashed April 3 near Dubrovnik. This morning, we paid tribute to our good friend, Secretary Ron Brown. At this time, I want to commemorate one of those brave souls traveling with the Secretary, Mr. David L. Ford.

David Ford was one of 12 American business executives accompanying Secretary Brown on a mission with the most noble goal of helping the people of Bosnia and Croatia to rebuild their war-ravaged countries. An executive with Guardian Industries, headquartered in Michigan, David was to donate 23 metric tons of flat glass to Sarajevo, enough to produce about 8,000 windows for use in rebuilding the Bosnia capital. After the trade mission ended in tragedy, the glass was delivered to Sarajevo as planned and donated to the people by the U.S. Embassy.

David Ford's career at Guardian began in 1971, and he spent time at its facilities around the country, including several years at the Guardian plant in Carleton, MI, in my congressional district. He helped lead his company's expansion into the European market, and at the time he was taken from us he headed Guardian's European operations.

We will remember David Ford as a successful businessman, but more importantly, his wife and two children will remember him as a loving husband and devoted father. He was a deeply religious man, who before his passing was able to provide some desperately needed relief to the people of Sarajevo. There, his final effort will be honored by a plaque.

I know that my colleagues join me in sending our thoughts and prayers to his family.

TRIBUTE TO RAKI NELSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. TOWNS. Mr. Speaker, I am pleased to acknowledge Raki Nelson, a young man who is destined to achieve greatness. Raki is the 1996 Watkins Award Winner, and has been honored as the premier African-American student-athlete in the country.

Raki has committed to attend Notre Dame University as a wide receiver on a full football scholarship. He has achieved recognition for not only his dazzling display on the football field, but his contributions to his community. As the recipient of the Watkins Award, he is being honored for exemplifying leadership. Franklin Watkins was one of the founding fathers of the National Alliance of African-American Athletes. The alliance lists a host of professional athletes who support the organization's endeavors, including Reggie White, Green Bay Packers; Charlie Ward, New York Knicks; and Royce Clayton of the St. Louis Cardinals.

Raki's sterling career as a wide receiver ended with 185 catches for 34 touchdowns which generated 3,132 total yards. However, the hallmark of his efforts was his community action poster. He and a fellow team member distributed and autographed posters for grade school and midget football programs throughout his home State of Pennsylvania. I am pleased to recognize one of college football's future stars, and a shining light in his own community.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA 100TH ANNIVERSARY DINNER-DANCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. PALLONE. Mr. Speaker, on Saturday, April 20, 1996, at the Hyatt Regency in New Brunswick, NY, the United Brotherhood of Carpenters and Joiners of America, Local No. 65, of Perth Amboy, NJ, will hold its 100th anniversary dinner-dance.

It is a great honor for me to join the members of Local No. 65 for this momentous occasion. The Carpenters and Joiners have consistently been a strong supporter and a tireless fighter, not only for the needs of their own members, but for the American worker in general. In a time when labor unions are being attacked and the gains that organized labor has made over the past century are under constant threat, I have stood up to defend the livable wages and good working conditions that have contributed to the creation of the great American middle class.

Mr. Speaker, this 100th anniversary is a great occasion for us all to remember the important contributions that labor unions have made and continue to make to improve the quality of life at home and abroad.

A SALUTE TO CHARLES ALFRED ANDERSON, TRAINER OF TUSKEGEE AIRMEN

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. BROWDER. Mr. Speaker, Members of the House will be saddened to know that Charles Alfred Anderson, who trained the Army's first black fliers in Alabama and formed the famed Tuskegee Airmen during World War II, has died. He was 89.

Mr Anderson was a self-taught pilot who served as the chief instructor of Tuskegee University's pilot training program from 1938 through 1945. To thousands of fliers, he was known affectionately as ''Chief.''

Members may recall ''The Tuskegee Airmen,'' an HBO movie last year, which told the story of the 332d Fighter Group and its exploits over North Africa, Sicily, and Europe. Those African-American flyers destroyed 260 enemy planes, damaged an additional 148, and sank a Nazi destroyer. No U.S. bomber under the protection of the Tuskegee airmen was ever shot down.

The roster of fliers who trained under ''Chief'' Anderson includes Gen. Daniel ''Chappie'' James, the Nation's first four-star black general; Coleman Young, who became mayor of Detroit; and William Coleman, Transportation Secretary under President Gerald Ford.

Mr. Anderson was an aviation pioneer, a teacher, and a great American. I wish to extend my condolences and deep sympathy to his two sons, Alfred Forsythe Anderson of Seattle and Charles A. Anderson, Jr. of Tuskegee, and to his three grandchildren and one great-grandchild.

The Opelika-Auburn News published a wonderful account of Mr. Anderson's career and his exploits in the early days of flying. This salute to the father of black aviation was written by men who knew ''Chief'' well. I am attaching the article for publication in the CONGRESSIONAL RECORD.

An equally impressive article was published in the Tuskegee News and that is included for publication also.

[From the Opelika-Auburn News, Apr. 17, 1996]

FAMED TUSKEGEE AIRMAN DIES

(By Vascar Harris and Roosevelt J. Lewis, Jr.)

TUSKEGEE.—Charles Alfred ''Chief'' Anderson, a self-taught pilot who trained the military's first black flyers and formed the famed Tuskegee Airmen, died Saturday at age 89 after a lengthy battle with cancer.

Anderson was born to Janie and Iverson Anderson of Bryn Mawr, Pa., and was a 56-year resident of Tuskegee Institute.

''Chief'' was an inductee of the Alabama Aviation Hall of Fame (1991), The International Order of the Gathering of Eagles (1990), winner of the famous Brewer Trophy (1985), and held other aviation awards. An honorary doctorate of science was conferred by Tuskegee University in 1988.

His first love was teaching new students to fly, and he amassed more than 52,000 flying hours in his lifetime.

He is best remembered as the chief flight instructor and mentor of the famed ''Tuskegee Airmen'' of World War II. His 40-minute flight with First Lady Eleanor Roosevelt during her Tuskegee visit in 1941, was the catalyst that led to the training of the first African-American military pilots, the ''Tuskegee Experiment.''

He also flew Vice President Henry Wallace from Tuskegee to Atlanta during that period.

As a boy of 6, ''Chief'' was fascinated with the idea of airplanes and knew he had to fly. At 8, he ran away from home looking for airplanes rumored to be barnstorming in the area, he had to have a ride. As a teen-ager, no one would give him a ride because of racism.

At 22, he borrowed $2,500 from friends and relatives, bought a used airplane and taught himself to fly. By 1920, he had learned so well he received a private license and in 1932, an Airline Transport Rating (#7638), the equivalent of the Ph.D. in the act of science of flying an airplane.

In 1932, he would wed his childhood sweetheart, Gertrude Elizabeth Nelson, who died in 1995.

That same year, with a friend and flying partner, Dr. Albert Forsythe, an Atlantic City, NJ surgeon, he became known for long distance flying. East coast-West coast and back to the East coast. They also flew the first overseas flight by Negroes to Montreal, Canada, where Foresythe had studied medicine.

In preparation for a Pan American Goodwill Tour in 1934, they brought a Lambert Moncoupe airplane in St. Louis, Mo., where they met Charles Lindbergh, Lindbergh also bought an aircraft. Separated by one serial number, it hangs in the Lambert St. Louis airport today. Linbergh discouraged their plan to fly.

''Chief'' and Foresythe continued to Tuskegee, where the aircraft was christened the ''Spirit of Booker T. Washington.'' He and Foresythe made the first land plane flight from Miami to Nassau in 1934.

They island hopped throughout the Caribbean, to the Northeastern tip of South America. They overflew the Venezuelan straits and landed in Trinidad as national heroes. ''Chief,'' at the age of 86, recreated the trip 59 years later, as his birthday present to himself. He was accompanied in his aircraft by Roscoe Draper, lifelong friend and Tuskegee Airmen instructor, and Dr. and Mrs. Lawrence Koons.

With his credentials as a Certified Flight Instructor and Airline Transport rated pilot, ''Chief'' touched thousands of the nation's military and civilian pilots, such as Gen. B.O. Davis Jr.; Gen. Daniel ''Chappie'' James; Col. Herbert Carter, and other Tuskegee Airmen during the Tuskegee Experiement.

''Chief'' gave countless free airplane rides to the youth of the world, and was a founding member of the NAI, Black Wings in Aviation; the Tuskegee Chapter bears his name. For 22 years, youth from 16–19 have received intensive ground and flight training during the last two weeks in July at the NAI Summer Flight Academy, in order to prepare them for pilot ratings.

Many of his students, such as Capt. Raymond Dothard, U.S. Air, and president Mandella's U.S. pilot; Southeast Asian standouts much as Lt. Col. Robert V. Western, (Bob Mig Sweep); Judge John D. Allen, F–4 Flight Commander, Columbus, Ga; Col. James Otis Johnson, USAF, and many others, have continued in the footsteps of ''Chief.''

He also soloed the late Capt. ''Pete'' Peterson of the USAF Thunderbirds Flight Demonstration Team.

At 84, Chief turned over the reins of his beloved Moton Field training site airport to Col. Roosevelt J. Lewis Jr., USAF, another aviation protege, who flew his aircraft to Trinidad with ''Chief'' in 1993. They proceeded to facilitute 18 young people into military training needs since 1991.

Two of his last students, Capt. Kevin T. Smith and Lt. Greg West, were the first two blacks in the history of the Alabama Air National Guard. With 385 hours in the F–16, Capt. Smith scored ''Top Gun'' honors for the USAF in March 1996 Red Flag competition. ''Chief'' was thrilled.

He is survived by sons, Alfred and Charles; Charles' wife, Peggye; his grandchildren, Vincent, Christina and Marina; his great-granddaughter Krystal; his nieces and nephews, in-laws, and his dog, ''Stinky.''

[From the Tuskegee News, Apr. 1996]

PIONEER AVIATOR ''CHIEF'' ANDERSON DIES AT AGE 89

C. Alfred ''Chief'' Anderson, one of America's last aviation pioneers, died Saturday morning, April 13, 1996, at his Tuskegee home after a lengthy bout with cancer. He was 89.

Born to Janie and Iverson Anderson of Bryn Mawr PA, and a 56-year resident of Tuskegee, ''Chief'' Anderson was a inductee of the Alabama Aviation Hall of Fame (1991), the International Order of the Gathering of Eagles (1990), and winner of the famous Brewer Trophy (1985).

He held many other aviation awards. An Honorary Doctorate of Science was conferred by Tuskegee University in 1988. His first love always was teaching students to fly. He amassed over 52,000 flying hours.

Universally known as ''Chief,'' he is best remembered as the Chief Flight Instructor and mentor of the famed ''Tuskegee Airmen'' of WWII.

His 40-minute flight with First Lady Eleanor Roosevelt during her Tuskegee visit in 1941 was the catalyst that led to the training of the first African American military pilots, known as the ''Tuskegee Experiment.''

He also flew Vice President Henry Wallace from Tuskegee to Atlanta during that period. Chief Anderson's life has been a shining example of integrity, self reliance, adventure and contributions to others.

As a young boy of six, Chief Anderson was fascinated with the idea of airplanes and knew that he had to fly. At eight he ran away from home looking for airplanes rumored to be barnstorming in the areas he had to have a ride.

As a teenager, no one would give him a ride because of racism. At the age of 22, he borrowed $2,500 from friends and relatives, bought a used airplane and taught himself to fly. By 1929, he had learned so well until he received a private license and in 1932 an Airline Transport Rating, an equivalent of the Ph.D. in the art and science of flying an airplane.

More importantly that year (1932), he married his childhood sweetheart, Gertrude Elizabeth Nelson, who preceded him in death in 1995.

Later in 1932, with a friend and flying partner, Dr. Albert Foresythe, an Atlantic City, N.J. surgeon, he became known for long distance flying; East coast-West coast and back to the East coast.

They also flew the first overseas flight by Negroes to Montreal, Canada, where Dr. Foresythe had studied medicine. In preparation for a Pan American Goodwill tour in 1934 they bought a Lambert Monocoupe airplane in St. Louis, Mo., where they met Charles Lindbergh.

HONORING THE VICTIMS AND SURVIVORS OF THE OKLAHOMA CITY BOMBING

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. ROBERTS. Mr. Speaker, 1 year ago today, the Nation was gripped by the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, OK. We looked on in shock and horror as rescue workers and members of the community tried valiantly to reach the victims still trapped in the rubble—victims who were young and old, victims who were somebody's child or parent, husband or wife, brother or sister, friend or colleague. The magnitude of the tragedy was incomprehensible, the sense of loss overwhelming. We were left, in the words of the Roman philosopher Virgil, with ''a grief too much to be told.''

As the hours and days passed, our grief continued to mount. Mixed with the grief was a sense of empathy and compassion so strong that it gave birth to courage and hope and a resolute spirit. We watched the faces of thousands of heroes as they reached out with gestures large and small. We knew as a community and as a nation that we would endure.

Some 168 lives were lost that day, including the lives of 7 employees from the Department of Agriculture's Animal and Plant Health Inspection Service [APHIS]. A little over a month after the bombing, we paid tribute to the seven APHIS employees on the floor of this Chamber. Last year in this Chamber I paid tribute to Olen Bloomer, Jim Boles, Peggy Clark, Dick Cummins, Adele Higginbottom, Carole Khalil, and Rheta Long. I spoke of the lives they had led—good, productive, loving lives—and remembered their dedication to their work and their families. Today, we honor their memory and we remember as well the other victims, the survivors, and all the people whose lives were so sadly transformed by the events in Oklahoma.

SALUTE TO THE SIKH NATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. KING. Mr. Speaker, I would like to take this opportunity to congratulate the Sikh Nation on Vaisakhi Day, the anniversary of the founding of the Sikh Nation. The 297th birthday of the Sikh Nation occurred this past Saturday, April 13. I salute the Sikh Nation on this occasion.

The Sikh religion is a revealed, monotheistic religion which believes in the equality of all people, including gender equality. Its principles are found in the Guru Granth Sahib, the writings of the 10 Gurus, founders of the Sikh religion. Vaisakhi Day marks the anniversary of the consecration of the Sikh Nation by the tenth and final Guru, Guru Gobind Singh. The Sikh Nation has always tried to live in peace with its neighbors. The Sikhs suffered disproportionate casualties in India's struggle for independence, and Punjab, the Sikh homeland, was the last part of the subcontinent to be subdued by the British.

Sikhs ruled Punjab from 1710 to 1716 and again from 1765 to 1849. When India achieved its independence, the Sikh Nation was one of the three nations that were to receive sovereign power. However, the Sikh leaders of the time chose to take their share with India on the promise of autonomy and respect for Sikh rights—an arrangement similar to America's own association with the people of Puerto Rico. Many of us have spoken about Indian violations of the fundamental human rights of the Sikhs and others. The abduction and ''disappearance'' of human rights activist Jaswant Singh Khalra is one prominent example. Despite the solemn promises of Gandhi and Nehru, these violations have been going on since the Union Jack was taken down for the last time in 1947. As a result, no Sikh to this day has ever signed the Indian constitution. If the people of New York, California, or Illinois had not agreed to the U.S. Constitution, would we consider them part of this country?

When India attacked the Golden Temple, the Vatican or Mecca of the Sikh Nation, in 1984, more than 20,000 people were killed. Another 20,000 were killed in simultaneous attacks on 38 other Sikh temples, or Gurdwaras, throughout Punjab, Khalistan.

The Indian regime also has imposed ''Presidential rule''—that is, direct rule from the central government which supersedes the elected state government—on Punjab nine times. It is likely that if Punjab, Khalistan makes any move toward freedom after the elections, Presidential rule will be imposed for a tenth time. This is one more way to deny the Sikh Nation the freedom that is its birthright.

On October 7, 1987, the Sikh Nation declared its independence and the sovereign country of Khalistan was born. The Sikh Nation is set unalterably on a course to freedom, although this movement is nonviolent and democratic. Khalistan will secure its freedom the same way that India secured its independence. India cannot keep together an empire which has 18 official languages. Many experts predict that India will unravel within ten years, if not sooner. It is falling apart in front of our eyes, and too many of my colleagues do not even recognize it. The collapse of the Soviet empire shows that you cannot keep an empire of many nations by force permanently.

America is a country founded on the idea of freedom. Let us remember America's mission: in the words of John F. Kennedy, ''to secure the survival and success of liberty.'' We must support freedom around the world because we are the land of the free. The American idea requires us to support freedom for the Sikhs, the Muslims of Kashmir, the Christians of Nagaland, the peoples of Assam and Manipur, and all the oppressed peoples of the Indian subcontinent. Two bills are pending which address this issue. The first, H.R. 1425, would cut off United States development aid to India until basic human rights are respected. The second, House Concurrent Resolution 32, calls for self-determination in Indian-occupied Khalistan. I call upon my colleagues to support these bills. They will help to end India's brutal occupation of Khalistan and insure that when we congratulate the Sikh Nation on its 300th anniversary three years from now, we can offer those congratulations to the leaders of a free and sovereign Khalistan.

TRIBUTE TO LYNDEN B. MILLER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mrs. MALONEY. Mr. Speaker, I am especially pleased today to bring to the attention of my colleagues Mrs. Lynden B. Miller, my close personal friend, whose years of behind-the-scene service to the public is deserving of a very special tribute. We owe a debt of gratitude to Lynden who, as a designer of public gardens, has made an immeasurable contribution of beauty and grace to the great parks and public spaces of New York City.

Lynden Miller's most recent and notable contribution is on view in Bryant Park, on 6 acres located behind the New York Public Library. The city of New York closed Bryant Park in the late 1980's because it had become a haven for crime. In 1992, after 5 years of renovation, and with gardens newly designed by Lynden, Bryant Park was triumphantly reopened. Since its opening, 10,000 visitors walk through the garden each day, rejuvenated by Lynden's pallet of spiraeas, hydrangeas, foxgloves, sedums, phlox, hollyhocks and Japanese anemones set in borders 300 feet long by 12 feet deep. Today, due largely to Lynden's vision of the possibilities for public space, Bryant Park has been transformed into an oasis of peace and elegance in the midst of busy midtown Manhattan.

As the director of the Conservatory Garden in Central Park since 1982, Lynden has again defied expectations. This northeastern most area of Central Park was designed in the 1930's as an Italianate estate garden. Fifty years later, at the time Lynden was appointed to take on its renaissance, it has been abandoned. After 14 years of Lynden's direction of garden design, relentless fundraising and staff supervision, the Conservatory Garden of Central Park has become one of the great jewels in the greatest public park in the world. Under Lynden's guidance, the Conservatory Garden has also remained a community institution serving residents of both upper Fifth Avenue and some of the blighted neighborhoods of East Harlem.

Other public spaces which bear Lynden's signature include the garden at the Central Park Zoo, portions of the New York Botanical Gardens, Wagner Park at Battery Park City, spring and summer annuals at Grand Army Plaza in Brooklyn, gardens at the Cooper-Hewitt Museum, and Herald & Greeley Squares. She is on the Boards of Directors of the United States National Advisory Council for the National Arboretum in Washington, DC, and New York City's Central Park Conservancy and The Parks Council, among others. Lynden also lectures and participates in symposiums in the United States and abroad. She has written several articles and essays on garden design.

Lynden owes her sense of color to her training as an artist. She was a successful studio artist from 1967 until 1982 and has had several gallery shows in London and New York. She was educated at Smith College, the New York Botanical Gardens, Chelsea-Westminster College in London, and the University of Maryland.

I am very proud to pay tribute to Lynden Miller, who for fourteen years has been quietly dedicated to the well-being and beauty of New York City's most frequented public spaces. I ask my colleagues to join with me today in celebration of Lynden for her many wondrous botanical gifts to the millions of residents and visitors of the city of New York.

HAVERHILL GIRLS BASKETBALL CHAMPS

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. TORKILDSEN. Mr. Speaker, this morning I spoke on the floor praising the UMASS Minutemen basketball team—the best college basketball team in the country. Now I rise to applaud and celebrate the best women's basket ball team in Massachusetts—from Haverhill High School—on their championship win. These athletes have proven they possess the necessary edge to be champions and rightfully deserve heartfelt congratulations.

On Saturday, March 16, 1996, at the Worcester Centrum in Massachusetts, Haverhill won its third consecutive Division I girls crown with a 74–46 victory over Pittsfield High School. With nine seniors leading the team to victory, UMASS-bound Kelly Van Heisen netted 12 points in the championship game.

Other members of this championship team include Julie Szabo, Jaimie DeSimone, Samantha Good, Sara Jewett, Allison Godfrey, Julie Dirsa, Tricia Guertin, Cheryl Leger, Nicole Lacroix, Kelly Van Keisen, Melissa Rowe, Melissa Cerasuolo, Meghan Buckley, Heather Langlois and Caitlin Masys.

Thirteen-year head coach Kevin Woeflel had led his teams to win six State titles in the last 10 years, finished second twice and has a stunning overall record of 275–37, for a winning percentage of 88 percent.

To be a champion athlete requires dedication, perservance, skill and drive. The young women who make up this winning team possess all of these characteristics and combined them to produce a group of unbeatable champions.

I'm very proud to have such an outstanding team from my district. Success in any field demands a great deal of commitment and hard work, and it's obvious from these championship victories that these women have what it takes to win.

These incredibly talented young women have not only proven themselves to be the best this past season, but to possess a record of six championship wins in the past 10 years reflects the dedication of their coach, Mr.Kevin Woelfel. In the equation for success, effective leadership and guidance are as necessary as talent and commitment from the players.

Once again, congratulations to this winning team, and I wish you nothing but continued success as you continue on to college and throughout the rest of your lives. You are excellent role models for those who follow in your footsteps, and you are outstanding representatives of both your school and the State of Massachusetts.

CONGRATULATIONS TO SIKHS ON VAISAAKHI DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the 297th celebration of Vaisaakhi Day, the birthday of the Sikh nation. On Vaisaakhi Day in 1699, Guru Gobind Singh, the tenth and last Guru of the Sikh religion, formally baptized the Sikhs into nationhood, creating the order of the Khalsa Panth.

The Sikhs are a proud, hard-working, and freedom-loving people. At times they have prospered. At times they have persevered under immense tyranny. They have always conducted themselves according to the axiom uttered by Guru Gobind Singh: ''Recognize ye all the human race as one.''

Sikhism is a monotheistic, independent religion that should not be confused with Hinduism or Islam. Sikhism dates back to the first of the ten Sikh Gurus, Guru Nanak, born in 1469. He laid the foundation of Sikhism by preaching a simple creed based on three principles: 1.) Pray daily, meditating on God's name; 2.) Work hard and earn an honest living by the sweat of your own brow—live a family life and practice honesty in all dealings, and 3.) Be charitable, sharing the fruits of your labor with others.

Most importantly, the Guru instructed Sikhs to stand up against tyranny wherever it exists. On many occassions, Sikhs have lived up to this high calling, defending Hindus from the aggression of Mogul invaders from Afghanistan. Today Sikhs find themselves in a position of defending themselves from the brutal tyranny of the Indian Government. Over the past ten years, over 100,000 Sikhs have been killed by Indian security forces. Yet Sikhs continue to look to the spirit imbued in them on Vaisaakhi Day in 1699.

Mr. Speaker, the Sikh people remain bloody but unbowed in the face of the campaign of murder, torture and rape being waged by the Indian military. Because of India's bloody rule, the Sikh people are seeking to exercise their right to self determination and declare an independent Sikh homeland. In October 1987, three years after India's bloody assault and massacre at the Golden Temple in Amritsar, every major Sikh political group joined together to issue a declaration of nationhood and independence.

I ask all of my colleagues to support two pieces of legislation: H.R. 1425. ''The Human Rights in India Act, which would cut off U.S. aid to India until it stops the human rights abuses; and House Resolutions 32, which would recognize the Sikh people's right to self-determination. America stands for freedom, human rights and democracy, and we should support these ideals.

DEPLORING INDIVIDUALS WHO DENY HISTORICAL REALITY OF HOLOCAUST AND COMMENDING WORK OF U.S. HOLOCAUST MEMORIAL MUSEUM

SPEECH OF

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1996

Mr. FRANKS of Connecticut. I rise in strong support of House Resolution 316, a measure which applauds the work of the U.S. Holocaust Memorial Museum while condemning those people who have the sheer audacity to deny that the Holocaust ever occurred.

Mr. Speaker, the Holocaust Museum serves as a poignant historical reminder of one of the darkest periods of human history—the systematic extermination by Nazi Germany of over six million Jews. This important museum serves as an essential, necessary monument that reminds the world of those people whose lives were savagely ripped away from them in Nazi death camps like Auschwitz while honoring the brave people who fiercely took a stand against the evil Nazi tyrants.

Mr. Speaker, anyone who visits the Holocaust Museum will find it to be an experience both sobering and stirring. I applaud the work of those who are involved with the Holocaust Museum for the job they have done in educating the public and making sure that we will never forget. Truly, anyone who visits our Nation's capital should make pilgrimage to this museum.

Sadly, Mr. Speaker, there are still those who dispute that a Holocaust ever occurred. They maintain, mainly out of hatred and anti-semitism, that there was no genocide and that the notion of the Holocaust is fraudulent. Mr. Speaker, I feel it is our duty as duly-elected officials, as representatives of the American people, to condemn these hateful people for such warped attitudes and make notice that these despicable people, these offensive outcasts of society, remain permanently embedded in the status of pariahs of our communities.

Mr. Speaker, when all is said and done, I pray that we have learned from this sad, sad chapter of human history and that we, the human race, must never forget the necessity of being soldiers on the front lines in the war versus bigotry, hatred, and racism. The Holocaust Museum serves as a concrete record and as a reminder, for us and generations to come, of our obligation in this battle for us and our children. I commend Congressman GILMAN and Congressman LANTOS for their work on this endeavor and I encourage my colleagues to pass this important resolution.

FOR SURVIVORS OF THE ARMENIAN GENOCIDE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. RADANOVICH. Mr. Speaker, between 1915 and 1923 the Ottoman Turkish Empire committed a terrible genocide against Armenians. In a systematic and deliberate campaign to eliminate the Armenian people and erase their culture and history of 3,000 years the Turks committed this atrocity. As a result, over one-half million Armenians were massacred. The Armenian genocide is a historical fact, and has been recognized by academicians and historians all over the world. The documentary evidence is irrefutable and beyond question. Unfortunately, the Turkish Government is still persisting in their denial that the genocide took place.

Many survivors of the genocide have made the United States their new home. On April 24, 1996 Armenians all over the world will commemorate the 81st anniversary of the Armenian genocide. Commemoration activities will occur in Washington, D.C., Los Angeles, and in my district in Fresno, California. I have the honor of representing thousands of Armenians in California's 19th Congressional District, and I send my sincerest condolences on this solemn occasion to all members of the Armenian community. As a member of the Congressional Caucus on Armenian Issues, I intend to join my colleagues, Representatives JOHN PORTER and FRANK PALLONE in a special order on April 24, 1996 on the floor of the House of Representatives to commemorate the genocide victims.

I am an original cosponsor of House Concurrent Resolution 47 which calls on Congress to officially recognize the Armenian genocide and encourages the Republic of Turkey to do the same. This legislation would call on the Government of Turkey to turn away from its denials of the Armenian genocide, and instead, to openly acknowledge this tragic chapter in its history. By doing so, the Turkish Government can help to raise the level of trust in a strategic, yet highly unstable, region of the world and facilitate the normalization of relations between Turkey and Armenia. I encourage my colleagues to vote for the passage of H. Con. Res. 47.

Remembering this genocide against the Armenians will help ensure that this type of tragedy is never allowed to occur again.

CONTRACT WITH AMERICA ADVANCEMENT ACT OF 1996

SPEECH OF

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 28, 1996

Mr. BLILEY. Mr. Speaker, I commend Chairman HYDE of the Judiciary Committee and Senator BOND for their leadership on this bill. We share the goals of reducing regulatory burdens on small business and, in so doing, promoting job creation and economic growth.

S. 942 sweeps across a wide range of Federal regulation. Oversight of the Securities and Exchange Commission [SEC] falls within the jurisdiction of the Commerce. The SEC is charged with the important role of preventing fraud in our securities markets. Though its enforcement of the anti-fraud provisions of the securities laws, the SEC builds confidence of investors and makes our financial markets liquid and transparent.

My analysis of the provisions of S. 942 indicates that the bill will not have any negative effect on the enforcement activities of the SEC. We will not tolerate, and this bill does

not create, any free pass for financial fraud. Specifically, Section 323(b)(4) of the bill expressly excludes ''violations involving wilful or criminal conduct'' from the small business enforcement variance. In the context of the Federal securities laws, I understand ''wilful'' to have the longstanding judicial construction as expressed in, for example, *Tager* v. *Securities and Exchange Commission*, 344 F.2d 5, 7 (2d. Cir. 1965).

In addition, it is my understanding that the enforcement procedures followed by the SEC under current law, specifically the Securities Enforcement Remedies and Penny Stock Reform Act of 1990, satisfy the requirements of Section 323, and said section does not impose requirements beyond those of the Remedies Act.

In connection with the provisions of S. 942 dealing with attorneys fees, the fill excludes awards of attorneys fees in connection with wilful violations. In the context of the Federal securities laws, the term ''wilful'' has the meaning set forth in Tager, supra at 7.

Additionally, provisions of S. 942 makes useful changes in what constitutes a demand by the Government. My understanding is that the term ''demand'' when applied in the context of the Federal securities laws, does not include notices or other communication with the staff or members of the SEC that occur in the context of the ''Wells'' procedure.

Finally, my understanding of the provisions for Congressional review of major rules, the definition of major rules would not extend to actions for exemptive relief under the securities laws. Such exemptive rules are those that permit regulated entities to engage in transactions that would otherwise be proscribed by statute. It would be perverse to read this deregulatory bill in such a way as to inhibit exemptive relief for regulated persons by the SEC.

SOUTH DAKOTA VOICE OF DEMOCRACY WINNER

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 19, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, Ms. Nicole Sanderson of Wagner, SD, was recently selected as a State winner in the Voice of Democracy broadcast script writing contest conducted each year by the Veterans of Foreign Wars of the United States and its ladies auxiliary. The contest theme for this year was answering America's call, and of the more than 116,000 secondary school students who participated in this year's contest, Nicole was also named a winner at the national level. Mr. Speaker, I ask that Nicole's winning script be reprinted in the CONGRESSIONAL RECORD. She deserves to be commended for her exceptional efforts in writing this script and participating in this contest. Nicole's insights and enthusiasm will serve as a model to others her age.

ANSWERING AMERICA'S CALL

(By Nicole Sanderson, Post 7319, WAGNER, SD)

Alexander Hamilton once said, ''The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.'' Not in the course of human events would one discover a more substantial remark or a clearer understanding of the prospect of the American dream than that of Alexander Hamilton's. Hamilton truly believed that the so-called ''American experiment'' would succeed and over generations would prove to be a powerful existence. Hamilton realized that to simply live under the wrath of tyranny with no objections would be surrendering the very rights he deemed necessary, but to fight for the rule of one's own hand was justification for every rebellion in the cause for justice and freedom.

In the two hundred years since our forefathers signed the Constitution, America has gained the respect of those very nations who believed we were a failing idea from the start. She has grown to be the strong, influential nation Hamilton and many others had foreseen, regarding with utmost respect those ideas we were founded on. Today, however, America is lacking the respect from her own citizens that we once so eagerly prided ourselves on.

Many Americans have turned to the idea of hatred, deceit, and revenge. But why? Has the American dream failed them or have they simply failed the American dream? With crime rate on a drastic increase and disregard for the law a common occurrence, Americans have lost the sense of direction that the founders of this great country so generously provided and intended for us. We must not sit back and watch as the destruction of our country continues, but we must speak out to those who are disrespectful to the constitution and to the American people. We must prove to them that America is not the villain they see, but merely one modest voice in the choir of heroes.

When Abraham Lincoln was assassinated, that was not the dream intended for our country, and when the innocent people of the Oklahoma City bombing were so brutally victimized, that was not the dream America would one day prosper from either, but merely the blatant disrespect for human life and the rights of all who care for this country. Once again, I ask why? America is about freedom and responsibility. America is the dream of unity and everlasting respect. Why, then, are there demonstrations burning the very flag in which we should so gratefully salute, burning the very idea our forefathers worked, fought and died for. The authors of the Constitution did not attempt to establish a government and a symbol for all to honor so that one day their descendants could flagrantly burn and degrade their accomplishments. We must encourage those voices that they did not choose America, but America chose them, and now they must return her kind favor and participate in the Government which tries so very hard to guarantee their freedom, their responsibility, and their prosperity.

Never have I been so disappointed with my fellow citizens as when I see such horrendous disregard for human rights. Does not the Declaration of Independence directly state that ''all men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness?''

Then why are people committing such acts of violence against one another, so unthinkable to our choice of freedom, hindering every possibility of justice among free, self-governed men? As a young citizen of this remarkable country, I feel it not only my privilege, but also my duty to protect and honor her at all times and to create within her the direction our fathers intended.

We must not blind ourselves to the needs of our nation, but we must stand up and fight to regain the pride and honesty we once knew. America is calling us, pleading for us to help her. As the future of this great nation, we must not only believe in the ideas of unity among the people, freedom and equality for all men, and the pleasure and possibilities of good government, but we must also act on them. Answering her calls will not be easy, but it will be necessary to fight the hatred that is growing stronger every day.

This nation calls to us from the graves of those long since gone, from the patriotic memorials of those we honor, and from the very idea we hold strong in our hearts, the idea of freedom, asking us kindly to remember those who gave so graciously to this country their lives and their freedom so that we might have ours. We must never forget how fortunate we are to be Americans and how wonderful it is to be free. America is calling out to you. Are you listening?

CONFERENCE REPORT ON S. 735, ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1996

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the conference report for the Antiterrorism and Effective Death Penalty Act. As the recent despicable acts of terrorism in Oklahoma City clearly demonstrate, America must do all that it can to put an end to acts of terror. Unfortunately, this legislation has failed to achieve an appropriate balance between our desire to take action against terrorist acts and our desire to protect the fundamental civil rights of all Americans.

In my view, the attacks on habeas corpus included in this legislation that purports to address the terrorist threat is so objectionable I must oppose this bill. I do support my Democratic colleagues' carefully crafted genuine antiterrorism bill, that is unencumbered by the provisions hostile to our constitutional rights that have been included in S. 735.

Throughout my career, I have believed in and fought for the protection of all Americans' fundamental rights under habeas corpus. As Chief Justice Salmon P. Chase described it in ex parte Yerger U.S. (1868), habeas corpus is the most important human right in the Constitution and the best and only sufficient defense of personal freedom. As a nation, we cannot afford to compromise the cherished habeas corpus protections guaranteed each of us in the U.S. Constitution.

Mr. Speaker, the arbitrary 1-year limitation on the filing of general Federal habeas corpus appeals after all State remedies have been exhausted entirely fails to address real problems inherent in the current capital punishment system. For example, S. 735 does virtually nothing to deal with the lack of competent counsel at the trial level and on direct appeal which constitutes the primary basis for the delay of many appeals.

It is also no secret that I am opposed to the death penalty. S. 735, among other things, would greatly expand the reach of the Federal death penalty which I believe is overly harsh—particularly because it fails to address the economic and social basis of crime in our most

troubled communities. Furthermore, when closely examined, the sentencing history of the death penalty has clearly been arbitrary, inconsistent, and racially biased. Regardless of whether this double standard is intentional or not, the result clearly establishes that there continues to be an impermissible use of race as a key factor in determining imposition of the death penalty. This measure fails to include any provisions to end the repugnant practice of the disproportionate application of the death penalty on minorities.

Mr. Speaker, I share the national outrage expressed against terrorism. America should and must act swiftly and decisively to end these despicable acts. We must not, however, under the guise of fighting acts of terror, sacrifice our constitutional rights. As legislators, we must judiciously seek a balanced strategy to diminish the dangers of terrorism and injustice. I urge my colleagues to therefore vote down this measure; preserve our ability to enforce the Bill of Rights.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3695–S3748

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 1688 and S. 1689, and S. Res. 249. **Page S3731**

Measures Reported: Reports were made as follows:

S. 1422, to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge. (S. Rept. No. 104–255) **Page S3731**

Measures Passed:

Oklahoma City Bombing Anniversary: Senate agreed to S. Res. 249, expressing the sense of the Senate on the anniversary of the Oklahoma City bombing. **Pages S3695–97**

Congressional Term Limits: Senate began consideration of S.J. Res. 21, proposing a constitutional amendment to limit congressional terms, with a committee amendment in the nature of a substitute, taking action on amendments proposed thereto, as follows: **Pages S3715–25, S3727–29**

Pending:

Thompson (for Ashcroft) Amendment No. 3692, in the nature of a substitute. **Page S3715**

Thompson (for Brown) Amendment No. 3693 (to Amendment No. 3692), to permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate. **Page S3715**

Thompson (for Ashcroft) Amendment No. 3694, of a perfecting nature. **Page S3715**

Thompson (for Brown) Amendment No. 3695 (to Amendment No. 3694), to permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate. **Pages S3715–16**

Thompson Amendment No. 3696, to change the length of limits on Congressional terms to 12 years in the House of Representatives and 12 years in the Senate. **Page S3716**

Thompson (for Brown) Amendment No. 3697 (to Amendment No. 3696), to permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate. **Page S3716**

Thompson motion to recommit the resolution to the Committee on the Judiciary with instructions. **Pages S3716–17**

Thompson (for Ashcroft) Amendment No. 3698 (to the motion to recommit), to change instructions to report back with limits on Congressional terms of 6 years in the House of Representatives and 12 years in the Senate. **Pages S3716–17**

Thompson (for Brown) Modified Amendment No. 3699 (to Amendment No. 3698), to change instructions to report back with language allowing each State to set the terms of members of the House of Representatives and the Senate from that State. **Pages S3716–17, S3723**

A motion was entered to close further debate on the reported committee amendment 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 Tuesday, April 23, 1996. **Page S3729**

Senate will continue consideration of the resolution on Monday, April 22, 1996.

Nominations Received: Senate received the following nominations:

1 Army nomination in the rank of general.

3 Navy nominations in the rank of admiral.

Routine lists in the Army, Air Force, and Coast Guard. **Page S3748**

Messages From the House: **Page S3731**

Statements on Introduced Bills: **Pages S3731–33**

Additional Cosponsors: **Page S3733**

Amendments Submitted: **Pages S3733–34**

Authority for Committees: **Page S3734**

Additional Statements: **Pages S3734–41**

Adjournment: Senate convened at 10 a.m., and adjourned at 3:50 p.m., until 11 a.m., on Monday, April 22, 1996. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S3747–48.)

Committee Meetings

(Committees not listed did not meet)

INDIAN PROGRAMS

Committee on Indian Affairs: Committee concluded oversight hearings on the President's proposed budget request for fiscal year 1997 for Indian programs, receiving testimony from Michael H. Trujillo, Director, Indian Health Service (Rockville, Maryland), and Gary Niles Kimble, Commissioner, Administration for Native Americans, both of the Department of Health and Human Services; and Robert W. Perciasepe, Assistant Administrator, Office of Water, Environmental Protection Agency.

House of Representatives

Chamber Action

No bills were introduced.

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at 10 a.m. and adjourned at 10:29 a.m.

Committee Meetings

LABOR–HHS–EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the National Heart, Lung, and Blood Institute and on the National Eye Institute. Testimony was heard from the following officials of the Department of Health and Human Services; Claude J.M. Lenfant, M.D., Director, National Heart, Lung, and Blood Institute; and Carl Kupfer, M.D., Director, National Eye Institute.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the FAA. Testimony was heard from David R. Hinson, Administrator, FAA, Department of Transportation.

VETERANS' AFFAIRS, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies held a hearing on the Court of Veterans Appeals, the American Battle Monuments Commission and the Department of Defense—Civil, Cemeterial Expenses, Army. Testimony was heard from Frank Q. Nebeker, Chief Judge, U.S. Court of Veterans Appeals; Gen. Fred F. Woerner, USA (Ret.), Chairman, American Battle Monuments Commission; and H. Martin Lancaster, Assistant Secretary of the Army (Civil Works), Department of Defense.

CONGRESSIONAL PROGRAM AHEAD

Week of April 22 through 27, 1996

Senate Chamber

On *Monday,* Senate will resume consideration of S.J. Res. 21, proposing a constitutional amendment to limit congressional terms.

On *Tuesday,* Senate will continue consideration of S.J. Res. 21, Congressional term limits with a vote on a motion to close further debate on the committee substitute amendment to occur thereon, following which Senate will vote on H.R. 3103, Health Insurance Reform Act.

During the balance of the week, Senate may resume consideration of S. 1664, Illegal Immigration Reform, and may turn to the consideration of any item cleared for action, including:

H.R. 3019, Omnibus Appropriations, 1996, Conference Report; and S. 1271, Nuclear Waste Policy Act.

(Senate will recess on Tuesday, April 23, 1996, 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 Appropriations: April 23, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Agriculture, 10 a.m., SD–138.

April 24, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1997 for the U.S. Forest Service, 9:30 a.m., SD–138.

April 24, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1997 for the

Department of Defense, focusing on Army programs, 10 a.m., SD–192.

April 25, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year1997 for the Department of State, 10 a.m., S–146, Capitol.

April 25, Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Transportation, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: April 23, to hold hearings to examine the status of assets held in Swiss banks deposited by European Jews and others in the years preceding the Holocaust, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: April 23, Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, to hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission, 9:30 a.m., SR–253.

April 24, Subcommittee on Science, Technology, and Space, to hold hearings to examine distance learning, and on S. 1278, to establish an education satellite loan guarantee program for communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: April 24, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

April 25, Subcommittee on Parks, Historic Preservation and Recreation, to hold hearings on S. 902, to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center, S. 951, to commemorate the service of First Ladies Jacqueline Kennedy and Patricia Nixon to improving and maintaining the Executive Residence of the President and to authorize grants to the White House Endowment Fund in their memory to continue their work, S. 1098, to establish the Midway Islands as a National Memorial, H.R. 826, to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and H.R. 1163, to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, New York, 9:30 a.m., SD–366.

Committee on Environment and Public Works: April 23 and 24, to hold hearings on S. 1285, to reauthorize and amend the Comprehensive Environmental Recovery, Compensation, and Liability Act of 1980 (Superfund), as modified by S. Amdt. 3563, in the nature of a substitute, 9:30 a.m., SD–406.

Committee on Foreign Relations: April 23, to hold hearings on the nominations of Prudence Bushnell, of Virginia, to be Ambassador to the Republic of Kenya, Charles O. Cecil, of California, to be Ambassador to the Republic of Niger, David C. Halsted, of Vermont, to be Ambassador to the Republic of Chad, Morris N. Hughes, Jr., of Nebraska, to be Ambassador to the Republic of Burundi, Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Republic of Guinea, Dane Farnsworth Smith, Jr., of New Mexico, to be Ambassador to the Republic of Senegal, George F. Ward, Jr., of Virginia, to be Ambassador to the Republic of Namibia, and Sharon P. Wilkinson, of New York, to be Ambassador to Burkina Faso, 11 a.m., SD–419.

April 24, Full Committee, to hold hearings on the nomination of Princeton Nathan Lyman, of Maryland, to be Assistant Secretary of State for International Organization Affairs, 2 p.m., SD–419.

April 25, Full Committee, business meeting, to consider pending calendar business, 2 p.m., SD–419.

Committee on the Judiciary: April 23, to hold hearings on a proposed constitutional amendment to establish a bill of rights for crime victims, 10 a.m., SD–226.

April 24, Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine the need for additional bankruptcy judgeships and the role of the U.S. trustee system, 2 p.m., SD–226.

Committee on Labor and Human Resources: April 23, to hold hearings to examine the need to increase organ and tissue donation, 9:30 a.m., SH–216.

April 24, Full Committee, business meeting, to mark up S. 1643, to authorize funds for fiscal years 1997 through 2001 for programs of the Older Americans Act, and S. 1360, to ensure personal privacy with respect to medical records and health care-related information, 9:30 a.m., SD–430.

Committee on Small Business: April 23, to hold hearings to examine issues affecting home-based business owners, 10:30 a.m., SR–428A.

Committee on Veterans' Affairs: April 24, to hold hearings on the President's proposed budget for fiscal year 1997 for veterans programs, 2 p.m., SR–418.

Committee on Indian Affairs: April 23, business meeting, to consider pending calendar business, 9 a.m., SR–485.

April 25, Full Committee, to hold joint hearings with the House Committee on Resources on S. 1264, to provide for certain benefits of the Missouri River Basin Pick-Sloan Project to the Crow Creek Sioux Tribe, 9 a.m., SR–485.

Select Committee on Intelligence: April 24, to resume hearings on the roles and capabilities of the United States intelligence community, 9 a.m., SD–106.

April 24, Full Committee, closed business meeting, to mark up proposed legislation relating to intelligence renewal and reform, 2 p.m., SH–219.

Special Committee on Aging: April 23, to hold hearings to examine issues relating to Alzheimer's Disease, 10 a.m., SD–106.

Special Committee To Investigate Whitewater Development Corporation and Related Matters: April 24 and 25, to resume hearings to examine issues relating to the Whitewater Development Corporation, 10 a.m., SH–216.

House Chamber

Monday, No legislative business is scheduled.

Tuesday, Consideration of the following 2 measures on the Corrections Calendar:

(1) H.R. 3049—To Provide for the Continuity of the Board of Trustees of the Institute of American

Indian and Alaska Native Culture and Arts Development; and

(2) H.R. 3055—To Permit Continued Participation by Historically Black Graduate Professional Schools in the Grant Program.

Consideration of the following 7 Suspensions:

(1) H.R. 2024—Mercury Containing and Rechargeable Battery Management Act;

(2) H.R. 1965—Coastal Zone Management Reauthorization Act of 1995;

(3) H.R. 2160—Cooperative Fisheries Management Act of 1995;

(4) H.R. 1772—Authorizing Acquisition of Certain Interests in the Waihee Marsh for Inclusion in the Oahu National Wildlife Refuge Complex;

(5) H.R. 1836—Authorizing Acquisition of Property in East Hampton, New York for Inclusion in the Amagansett National Wildlife Refuge;

(6) H.R. 2660—Increasing the Amount Authorized for the Tensas River National Wildlife Refuge; and

(7) H.R. 2679—Revising the Boundary of the North Platte National Wildlife Refuge.

Consideration of the President's Veto of H.R. 1561, American Overseas Interests Act of 1995.

Wednesday and Thursday, Consideration of H.R. 3019, Fiscal Year 1996 Omnibus Appropriations Conference report (subject to a rule being granted);

Consideration of H.R. 1675, National Wildlife Refuge Improvement Act of 1995 (subject to a rule being granted); and

Consideration of H.R. 2715, Paperwork Elimination Act of 1995 (subject to a rule being granted).

Friday, No legislative business is scheduled.

NOTE: Conference reports may be brought up at any time. Any further program will be announced later.

House Committees

Committee on Agriculture, April 24, Subcommittee on Livestock, Dairy, and Poultry, hearing on meat and poultry inspection in foreign countries; comparison to Federal and State inspection; and requirements of trade agreements, 9 a.m., 1300 Longworth.

Committee on Appropriations, April 22, Subcommittee on Labor, Health and Human Services, and Education, on National Institute of Neurological Disorders and Stroke; the National Institute on Mental Health; the National Institute on Drug Abuse; and the National Institute on Alcohol Abuse and Alcoholism, 2:30 p.m., 2358 Rayburn.

April 23, Subcommittee on Commerce, Justice, State, and Judiciary, on SBA; Minority Business Development Agency; and the Economic Administration, 2 p.m., H–310 Capitol.

April 23, Subcommittee on Interior, on Smithsonian Institution, 10 a.m., and on Fish and Wildlife Service, 1:30 p.m., B–308 Rayburn.

April 23, Subcommittee on Labor, Health and Human Services, on National Institute of Allergy and Infectious Diseases and on National Institute of Diabetes, Digestive and Kidney Diseases, 10 a.m., and on National Center for Human Genome Research, the National Institute on Deafness and Other Communication Disorders, and on the Office of AIDS Research, 1:30 p.m., 2358 Rayburn.

April 23, Subcommittee on National Security, executive, on National Guard and Reserve Programs, 1:30 p.m., H–140 Capitol.

April 23, Subcommittee on Treasury, Postal Service, and General Government, on Reforming the Grievance Process, 2 p.m., 2362 Rayburn.

April 23, Subcommittee on VA, HUD, and Independent Agencies, on Department of Veterans Affairs, 2360 Rayburn.

April 24, Subcommittee on Commerce, Justice, State, and the Judiciary, on Secretary of State, 10 a.m., and on Office of Justice Programs and Juvenile Justice, 2 p.m., H–310 Capitol.

April 24, Subcommittee on Foreign Operations, Export Financing and Related Programs, on AID Administrator, 10 a.m., 2360 Rayburn.

April 24, Subcommittee on Interior, on Secretary of the Interior, 10 a.m., and on Bureau of Land Management, 1:30 p.m., B–308 Rayburn.

April 24, Subcommittee on Labor, Health and Human Services, and Education, on National Cancer Institute and Fogarty International Center, 10 a.m., and on National Institute of Environmental Health Sciences, National Center for Research Resources, and National Library of Medicine, 1:30 p.m., 2358 Rayburn.

April 24, Subcommittee on National Security, on Defense Medical Programs, 10 a.m., and on Readiness, 1:30 p.m., H–140 Capitol.

April 24, Subcommittee on Treasury, Postal Service, and General Government, on Office of Management and Budget, 10 a.m., B–307 Rayburn.

April 24, Subcommittee on Veterans' Affairs, Housing and Urban Development, on Council on Environmental Quality, 10 a.m., on Selective Service System, 11 a.m., and on Federal Emergency Management Agency, 2 p.m., H–143 Capitol.

April 25, Subcommittee on Commerce, Justice, State and the Judiciary, on Federal Maritime Commission and Maritime Administration, 10 a.m., on Equal Employment Opportunity Commission, 11 a.m., and on Secretary of Commerce; Commerce Department Under Secretary for Technology; National Institute of Standards and Technology; and Patent and Trademark Office, 2 p.m., H–310 Capitol.

April 25, Subcommittee on Foreign Operations, Export Financing and Related Agencies, on congressional and public witnesses, 10 a.m., H–144 Capitol.

April 25, Subcommittee on Interior, on Secretary of Energy, 10 a.m., and on Forest Service, 1:30 p.m., B–308 Rayburn.

April 25, Subcommittee on Labor, Health and Human Services, and Education, on National Institute of Child Health and Human Development and National Institute of General Medical Sciences, 10 a.m., and on Buildings

and Facilities, and Office of the Director, 1:30 p.m., 2358 Rayburn.

April 25, Subcommittee on Treasury, Postal Service and General Government, on Bureau of Alcohol, Tobacco, and Firearms Operations, 10 a.m., 2360 Rayburn.

April 25, Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, on NASA, 10 a.m. and 2 p.m., H–143 Capitol.

April 26, Subcommittee on Labor, Health and Human Services, and Education, on National Institute of Arthritis and Musculoskeletal and Skin Diseases; National Institute on Aging; National Institute of Dental Research; and National Institute of Nursing Research, 9 a.m., 2358 Rayburn.

Committee on Banking and Financial Services, April 24 and 25, Subcommittee on Financial Institutions and Consumer Credit, hearings on ATM Surchargers, 10 a.m., 2128 Rayburn.

April 25, Subcommittee on Domestic and International Monetary Policy, hearing on the Administration's authorization requests for International Financial Institutions, 1 p.m., 2222 Rayburn.

Committee on Commerce, April 24, Subcommittee on Health and Environment, hearing on the Safe Drinking Water Act Amendments of 1996, 10 a.m., 2322 Rayburn.

April 24, Subcommittee on Oversight and Investigations, to continue hearings on the Department of Energy: Travel Expenditures and Related Issues, 9:30 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, April 23, Subcommittee on Postsecondary Education, Training and Lifelong Learning, hearing on Higher Education: Who Plays, Who Pays, Who Goes, 1 p.m., 2175 Rayburn.

April 24, Subcommittee on Early Childhood, Youth and Families, to mark up the following bills: H.R. 3268, IDEA Improvement Act of 1996; and H.R. 3269, Impact Aid Technical Amendments Act of 1996, 10:30 a.m., 2175 Rayburn.

April 25, Subcommittee on Oversight and Investigations, hearing on the Abuse of Power at the Department of Labor, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, April 23, Subcommittee on Government Management, Information, and Technology, hearing on Federal Budget and Financial Management Reform, 9:30 a.m., 311 Cannon.

April 24, full committee, to mark up the following bills: H.R. 2700, to designate the United States Post Office building located at 7980 FM 327, Elmendorf, Texas, as the ''Amos F. Longoria Post Office Building;'' H.R. 3184, Single Audit Act Amendments of 1996; and H.R. 2086, Local Empowerment and Flexibility Act of 1996, 10 a.m., 2154 Rayburn.

April 25, Subcommittee on Government Management, Information, and Technology, hearing on Financial Management and Accounting Reform, 9:30 a.m., 311 Cannon.

Committee on International Relations, April 23, hearing on U.S. Policy Toward Bosnia, 10 a.m., 2172 Rayburn.

April 24, hearing on Developments in the Middle East, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, April 22, Subcommittee on the Constitution, oversight hearing regarding the origins and scope of *Roe* v. *Wade*, 1 p.m., 2141 Rayburn.

April 24, full committee, to mark up the following bills: H.R. 2740, Fan Freedom and Community Protection Act of 1995; H.R. 3235, Office of Government Ethics Authorization Act of 1996; H.R. 1802, Reorganization of the Federal Administrative Judiciary Act; H.R. 2137, Megan's Law; H.R. 2453, Fugitive Detention Act of 1995; H.R. 2641, United States Marshals Service Improvement Act of 1995; H.R. 2650, Mandatory Federal Prison Drug Treatment Act of 1995; H.R. 2803, Anti-Car Theft Improvement Act of 1995; H.R. 2974, Crimes Against Children and Elderly Persons Punishment and Prevention Act of 1995; H.R. 2980, Interstate Stalking Punishment and Prevention Act of 1996; and H.R. 3120, to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering, 9:30 a.m., 2141 Rayburn.

April 25, Subcommittee on Crime, hearing on H.R. 1202, Captive Exotic Animal Protection Act of 1995, 9:30 a.m., 2237 Rayburn.

Committee on National Security, April 24, Subcommittee on Military Installations and Facilities, to mark up H.R. 3230, National Defense Authorization for Fiscal Year 1997, 1 p.m., 2212 Rayburn.

April 24, Special Oversight Panel on the Merchant Marine, to consider recommendations on the fiscal year 1997 Maritime Administration and Panama Canal Commission authorizations, 4 p.m., 2216 Rayburn.

April 24, Special Oversight Panel on Morale, Welfare and Recreation, to consider recommendations on H.R. 3230, National Defense Authorization for Fiscal Year 1997, 3 p.m., 2212 Rayburn.

April 25, Subcommittee on Military Personnel, to mark up H.R. 3230, National Defense Authorization for Fiscal Year 1997, 2 p.m., 2212 Rayburn.

April 25, Subcommittee on Military Readiness, to mark up H.R. 3230, National Defense Authorization for Fiscal Year 1997, 10 a.m., 2212 Rayburn.

Committee on Resources, April 23, Subcommittee on Energy and Mineral Resources, hearing on H.R. 3198, National Geologic Mapping Reauthorization Act of 1996, 2 p.m., 1324 Longworth.

April 23, Subcommittee on National Parks, Forests, and Lands, hearing on H.R. 3127, Southern Nevada Public Land Management Act of 1996, 10 a.m., 1334 Longworth.

April 24, full committee, oversight hearing on Department of the Interior activities, programs, and fiscal year 1997 budget, 1:30 p.m., 1324 Longworth.

April 25, to consider pending business, 11 a.m., 1324 Longworth.

Committee on Rules, April 23, to consider the following: Conference Report to accompany H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget; H.R. 1675, National Wildlife Refuge Improvement Act of 1995; and H.R.

2715, Paperwork Elimination Act of 1996, 4 p.m., H–313 Capitol.

Committee on Science, April 24, to mark up the following: the Omnibus Civilian Science Authorization Act of 1996; and H.R. 3060, Antarctic Environmental Protection Act of 1996, 10 a.m., 2318 Rayburn.

Committee on Small Business, April 25, hearing on intellectual property issues of importance to small business, with emphasis on examining different approaches to pressing patent term and patent disclosure issues that are contained in pending legislation (H.R. 359 and H.R. 1733), 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, April 24, Subcommittee on Aviation, to continue hearings on Problems in the U.S. Aviation Relationship with the United Kingdom and Japan, 9:30 a.m., 2167 Rayburn.

April 24, Subcommittee on Public Buildings and Economic Development, hearing on Federal Building Security, 8:30 a.m., 2253 Rayburn.

April 25, Subcommittee on Coast Guard and Maritime Transportation, hearing on the Coast Guard Budget Authorization for Fiscal Year 1997 and the Federal Maritime Commission Budget Authorization for Fiscal Year 1997, 10 a.m., 2253 Rayburn.

April 25, Subcommittee on Public Buildings and Economic Development, hearing on the GSA's fiscal year 1997 Capital Investment Program, 8:30 a.m., 2253 Rayburn.

April 25, Subcommittee on Surface Transportation, hearing to review unauthorized Transit Projects and Legislative requests for fiscal year 1997, 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, April 24, Subcommittee on Hospitals and Health Care, oversight hearing concerning the effectiveness of community care clinics, 10 a.m., 334 Cannon.

Committee on Ways and Means, April 23, Subcommittee on Trade, hearing on Department of Commerce proposed antidumping regulations and other antidumping issues, 11 a.m., 1100 Longworth.

April 24, full committee, hearing on the impact on small business of replacing the Federal Income Tax, 10 a.m., 1100 Longworth.

April 25, Subcommittee on Oversight, hearing on Tax Debt Collection Issues, 9:30 a.m., 1100 Longworth.

April 25, Subcommittee on Trade, hearing on H.R. 2795, to amend the Trade Act of 1974 and the Tariff Act of 1930 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, 2 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, April 23, to consider pending business; followed by, executive, a hearing on Community Management, 2 p.m., H–405 Capitol.

April 25, executive, hearing on Bosnia Arms, 10 a.m., and, executive, a briefing on Unwarned Sensors, 1 p.m., H–405 Capitol.

Joint Meetings

Joint hearing: April 25, Senate Committee on Indian Affairs, to hold joint hearings with the House Committee on Resources on S. 1264, to provide for certain benefits of the Missouri River Basin Pick-Sloan Project to the Crow Creek Sioux Tribe, 9 a.m., SR–485.

Commission on Security and Cooperation in Europe: April 23, to hold hearings to examine the consequences of the 1986 Chernobyl nuclear disaster and the international community's response, 10 a.m., 2154 Rayburn Building.

Commission on Security and Cooperation in Europe: April 26, to hold a briefing on the ethnic Turkish minority of Greece, 10 a.m., 2200 Rayburn Building.

Next Meeting of the SENATE

11 a.m., Monday, April 22

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 2 p.m.), Senate will resume consideration of S.J. Res. 21, proposing a constitutional amendment to limit congressional terms.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, April 22

House Chamber

Program for Monday: No legislative business is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

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