United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, WEDNESDAY, APRIL 24, 1996 *No. 54*

House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 24, 1996.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Help us to acknowledge, O gracious God, that Your creation extends from the east to the west, that there is no boundary to Your goodness and Your grace. Forgive us when we seek to make our action the center of all action and our concerns the focus of all humanity. Remind us that we ought not remake Your graces to look only like our face or make our concerns to be the center of Your entire creation. As You are the God of all so let us focus on Your blessings and Your will in every place and for every person so that justice will flow down as waters and righteousness like an everflowing stream. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. FLANAGAN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. Con. Res. 54. Concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes; and

S. Con. Res. 55. Concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minute presentations from each side of the aisle.

MEDICARE

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, I want to talk about Medicare. Yesterday the Treasury Department reported a new and totally unexpected $4.2 billion shortfall in the Medicare trust fund during the first half of the current fiscal year. Just a year ago, this very same fund had projected a surplus of $45 million for fiscal year 1996.

My parents, the Blackburns in Bellevue, WA, probably did not read that news story, but it is critically important to them because they, like millions of others, count on the Medicare system being solvent. More than a year ago President Clinton's Medicare trustees, including three members of his own Cabinet, warned that Medicare would be bankrupt by 2002 if no changes were made. Yet the President did nothing to change it. He offered no long-term solutions and he offered no leadership. In fact, all he offered was election year scare tactics designed to frighten senior citizens.

Mr. Speaker, enough is enough. Congressional Republicans in response to people like my parents have offered leadership. We want to save benefits for our seniors and save the Medicare trust fund, and we want to do it now while it is still possible.

RAISING THE MINIMUM WAGE

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

Mrs. CLAYTON. Mr. Speaker, there are 117,000 minimum wage workers in North Carolina. Those workers are not just numbers, they are people with families and children. They are day care providers, farmers and food service workers, mechanics and machine operators. They are in construction work and sales, health and cleaning services, and a range of other occupations.

Their families helped build America, and they can help rebuild it. They do not need charity, they need a check—a check that includes a reasonable increase in the minimum wage, as proposed by the President.

Work should be a benefit, it should not be a burden. Work is a burden

Printed on recycled paper containing 100% post consumer waste

when, despite an individual's best efforts, living is a daily struggle. Work is a benefit when enough is earned to pay for what we need.

Reward work, and pass the minimum wage increase.

THE 10TH ANNIVERSARY OF VIETNAM WAR MUSEUM IN CHICAGO

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

Mr. FLANAGAN. Mr. Speaker, I rise today to recognize the Vietnam Memorial Museum, in the heart of the Vietnamese community in Chicago, for its commitment to uniting both American and Vietnamese veterans on issues relating to Vietnam and veterans' affairs.

The museum was founded 10 years ago with the intent of honoring those who participated and served in the Vietnam war and educating future generations about personal experiences of those who performed such service. It contains a fascinating exhibit of various memorabilia, artifacts, photographs, artwork, and period publications, reminding us all of the sacrifices made by our veterans during the Vietnam war.

The Vietnam Memorial Museum of Chicago is not a war museum. It is a memorial, a place where those who survived the hardships of the Vietnam war can meet, reflect on their personal experiences and share memories and emotions.

The museum also serves the community by housing a drop-off center where American and Vietnamese veterans channel valuable goods to needy Vietnamese refugees living in the Chicago area. This museum is truly a community based and community oriented operation.

The Vietnam War Museum is a tribute to Vietnam veterans and their families and all veterans. It is a valuable resource to the Chicagoland community that honors all, veterans and civilians alike, who served our country during the Vietnam era on behalf of the cause of freedom.

THE MINIMUM WAGE

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, I rise today to talk about increasing the minimum wage. I would like to focus on one particular type of low-wage worker—women. Almost 60 percent of those making minimum wage are female. Many times, these are women with children to support—women whose alternative would be to go on welfare. As one who has participated in the debate on welfare reform for many years, I can tell you this: The single best way to keep people off welfare is to make work pay.

Raising the minimum wage will make an enormous difference for many of these families. For them, it would mean an extra $1,800 a year to put in the family bank account. This one increase equates to an average spent for 7 months of groceries, or 4 months of housing, or 9 months of utility bills. This is no time for political games—raising the minimum wage is long overdue. The wage earners struggling to support their families know it. The President has said and I agree: if you work full-time, year-round, you shouldn't be poor. Raising the minimum wage takes us toward that goal. I believe we should raise it now.

IMPROVING THE NATION

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

Mr. FRANKS of Connecticut. Mr. Speaker, like a chain, in order to improve our Nation we must strengthen even the weakest links in our society. By doing so it would make it more likely that under known or unknown pressures, we would be able to pull together rather than fall apart as a nation.

Hope and opportunity are key elements. They go hand in hand with success. It is hard to have one without the other. However, for many in our inner cities, opportunities seem limited. Thus hopelessness often creeps into their lives, and the prospect of success becomes nothing more than a pipe dream. We as leaders owe our society much more, but, unlike the beliefs of many, we do not have to throw taxpayers' dollars at the problem. There are other solutions.

Mr. Speaker, I will soon be offering initiatives that in a meaningful way will attempt to address these grave concerns.

SOMETHING IS WRONG

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

Mr. TRAFICANT. Mr. Speaker, Rodney Hamrick, who is in prison for threatening the life of Ronald Reagan, threatened to blow up a Federal courthouse, a judge, the NAACP headquarters, and an airplane. Then he went beyond and he sent a bomb in the mail, that did not explode, to the U.S. attorney that had convicted him. He was naturally convicted.

But a three-judge panel at the Fourth Circuit Court overturned the decision by saying, since the bomb did not detonate, it was not deadly. Beam me up, Mr. Speaker. I believe that these three judges must have received a defective mail-order law degree from Sears Roebuck. Something is wrong when Gorbachev gets slapped in the face in Russia while campaigning and they call it an assassination. In America, a prisoner sends a mail bomb and it is treated like a misdemeanor. If that does not explain it all, I do not know what does.

MORE MEDICARE

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

Mr. HAYWORTH. Mr. Speaker, I come to the well once again heartened by the remarks of my colleague from the great State of Ohio. I just wish we could get past some of the name calling and some of the, to be frank, disinformation that has infested itself here on the banks of the Potomac; to wit, fact, yesterday the Treasury Department reports that Medicare is losing money, $4.2 billion in the first 6 months of this year.

Yet what does the minority leader say on television? Last summer, when queried about allowing Medicare to grow at a rate less than 10 percent a year, he says, and I am quoting him, the reforms the majority tried to make amounted to this, ''This is a hoax.''

Mr. Speaker, it is no hoax. The hoax comes when those on the left would deliberately employ medi-scare tactics to try and get through the next election rather than to save and transform Medicare for the next generation. We are all to be held accountable. Let us deal with the truth.

ALCOHOL AND CHILDREN

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, we in this country, every one of us understands what this sign says. It is three frogs saying Budweiser. The trouble is that if you ask the average fourth and fifth graders in this country, they also know what it says. They know what it says more than they know what Tony the Tiger says. They know more about Budweiser than they know about Smokey Bear or the Mighty Morphin Power Rangers.

People that do not think there is a problem with young people drinking alcohol in this country do not understand the facts. Alcohol abuse kills more young people in America than all other drugs combined. Junior high school and high school students drink 1.1 billion cans of beer each year, and Anheuser Busch's market share of this number is 70 million 6-packs of Budweiser, equaling $200 million of sales to children.

Let us put an end to trying to market to children a drug that unnecessarily kills far too many of our Nation's most vital natural resources.

APPRECIATING BALANCE

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

Mr. TAUZIN. Mr. Speaker, every spring I plant natural resource trees, over the past 2 months, nearly 600: crab apples, redbuds, oaks, cherries, dogwoods, cypress, and cedar, just to name a few. I also cut down trees, mostly stunted or overgrown pine, to make room for others to grow. I was raised to appreciate that kind of balance.

This spring I will join other volunteers in Habitat for Humanity, hammering and sawing lumber to build suitable housing for poor families in Louisiana. I was raised to understand that kind of balance, too.

Unfortunately, many of our bureaucrats do not. Every week nearly 1 square mile of Louisiana washes away in coastal marsh and barrier island erosion. Private landowners are prepared to spend their own money to save those marshes and wetlands, but our wetlands permit system says no. Hundreds of such applications have been abandoned.

The Corps of Engineers in Louisiana still refuses as yet to authorize a private mitigation bank. So 30 to 50 square miles in my State washes away while bureaucrats squabble over so-called wetlands that no self-respecting duck would land on.

We need to spend less money on lawyers and bureaucrats and more money really saving wetlands in America.

SUPPORT H.R. 3244

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

Ms. NORTON. Mr. Speaker, the Capital of the United States is in serious disrepair, and I mean a lot more than potholes. It is trying to recover by downsizing a loan as no insolvent city has ever done. There is Federal responsibility here, including the unfunded pension liability that is taking 10 percent of our budget, and that is entirely my colleagues' responsibility.

The time has come to act now. We are a hemorrhaging population. We want to revive the District the old-fashioned way, by keeping and attracting middle-income residents here. Please support my Federal tax cut bill for the District of Columbia; support H.R. 3244. My colleagues should assume their share of the responsibility for the Capital of the United States.

TRAVEL AND TOURISM SHRINKS TRADE IMBALANCE

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

Mr. ROTH. Mr. Speaker, did my colleagues see yesterday where the trade deficit is down by over 18 percent? Now that is something to cheer about.

But do my colleagues know why the trade deficit is down? According to the Commerce Department, it is because the travel and tourist industry reported a temporary surge in foreign visitors to the United States. Unfortunately, this trend cannot continue unless we in Congress work right now to continue the trend by passing the Travel and Tourism Partnership Act.

Now we have 226 cosponsors. That is terrific. I want everyone to cosponsor this bill. We want to do even more, because terrific is not good enough when it comes to travel and tourism.

Travel and tourism is the largest industry in America. Travel and tourism employs one out of every nine working Americans, and it is time that we in Congress, and we are, awaken to the tremendous potential in this industry, and I ask everyone to help me.

Let us cosponsor this bill, and let us pass it so we can get our trade deficit down even further.

GIVE OUR STUDENTS AN OPPORTUNITY TO WORK THEIR WAY THROUGH SCHOOL

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

Mr. FLAKE. Mr. Speaker, one of the great arguments that I have heard in this debate about the minimum wage has been that there are many students who receive minimum wage. I stand here this morning as a product of the family of 13 children, parents who could not afford to send me to college, and the only way I could get through was to work.

I do not see anything wrong with trying to provide a wage that allows a student to be able to work their way through school particularly when we are cutting back in so many areas that affect and impact the lives of students who have been able to get scholarships, be able to get grants and loans. It seems to me that if we are going to be fair, we have to be fair to every American citizen, even those who are students who have a desire, a will, to work.

Mr. Speaker, my mother taught me how to cook, wash, iron, and sew. That is how I got through college. There are many other young people who could do the same thing if we were fair enough to them to give them that opportunity, give them the best wages. I have waited tables, I have bussed tables, I have shined shoes, I have done everything, and we ought to let them do it. Pay them a good enough salary so that we can indeed come to that point where maybe if we reduce the scholarships, they will know they can work their way through.

Mr. Speaker, I think it is a good thing. I am a product and a witness of it.

INTRODUCTION OF THE PARENTAL FREEDOM OF INFORMATION ACT

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

Mr. TIAHRT. Mr. Speaker, today I am introducing the Parental Freedom of Information Act to provide parents in America with the information they need to guide the education of their children. Teachers have told me that involved parents are the most important thing the public schools need to help students learn. Involved parents must be informed parents.

The Parental Freedom of Information Act will guarantee that parents have access to their child's curriculum, the contents and result of standardized tests and medical records, including psychiatric and/or counseling records.

Recently, parents have been denied access to instructional materials used in classes which they might find objectionable. They have been denied achievement tests that have been administered and then withheld from parental inspection, and treatments by unqualified school counselors have been administered to children contrary to the expressed objections of parents, and the records of this treatment were denied to the parents. Parents have been forced into the courtroom to find out what is going on in the classroom.

This act in no way seeks to influence curriculum or standardized tests. It simply provides the basic information which involved parents need to guide the education of their children.

RAISE THE MINIMUM WAGE

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

Mr. WYNN. Mr. Speaker, good morning. The battle about the minimum wage rages on. Some people would have our colleagues believe that the minimum wage only affects kids, so we should not worry about it. Not true—10 million Americans are affected by the minimum wage. Some 75 percent of them are adults and 58 percent of them are women.

We need to increase the minimum wage. The minimum wage has not been increased in 5 years. The purchasing power of people who earn the minimum wage has decreased by 15 percent. We are talking about people who make about $8,400 a year operating under the current minimum wage.

I am pleased to say today, Mr. Speaker, that there is some bipartisan support for increasing the minimum wage. I am distressed, however, that there are still some Republicans who believe that we should not increase the minimum wage and want to fight it.

We do not need any convoluted bureaucratic plans to pay employers. What we need is a very simple solution: Raise the minimum wage.

Mr. Speaker, if we raise the minimum wage, we will bring 300,000 families out of poverty, we will bring 100,000 children out of poverty.

Raise the minimum wage.

MINIMUM WAGE: MINIMUM OPPORTUNITIES

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

Mr. KNOLLENBERG. Mr. Speaker, I really wonder if the President and the Democrats are truly interested in raising the minimum wage or is it just that they want to score some political points? When they controlled Congress back in 1992 and 1993 with President Clinton in the White House, why was not an increase in the minimum wage on the agenda? Maybe they were too busy raising taxes on gas, on Social Security, on small businesses.

Mr. Speaker, I have to look at this comment that the President made in 1993. President Clinton said, ''The minimum wage,'' and I am quoting, ''The minimum wage is the wrong way to raise incomes of low-wage earners.'' But then again, I guess we really cannot believe what the President says from day to day or time to time.

By the way, if my colleagues think 90 cents an hour is going to save working families, I say my colleagues' priorities are in the wrong place. We need to provide tax relief to our families, not 90 cents an hour. Lowering taxes will raise incomes.

FAMILIES NEED TO EARN A LIVABLE WAGE

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

Ms. WOOLSEY. Mr. Speaker, we are hearing a lot of excuses from the majority these days about why we do not need to increase the minimum wage. Mr. Speaker, I know firsthand why families need to earn a livable wage.

Over 28 years ago I was a single working mother with three small children, receiving no child support. Even though I was working, I was earning so little that I had to go on welfare to take care of my children. I tell my colleagues this, Mr. Speaker, because too many families today face the same situation.

In spite of what the majority whip has said about minimum wage and about earning $4.25 an hour, almost 5 million Americans work for at or below minimum wage, and I am not talking about teenagers looking for extra cash. Rather, the average minimum wage earner looks a lot like I did 28 years ago, an adult woman supporting her family by herself. Today that mother is worse off because the purchasing power of the minimum wage has plummeted to a 40-year low.

Clearly, it is time to make work pay by increasing the minimum wage now.

TRIBUTE TO THE LATE GILBERT MURRAY

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

Mr. HERGER. Mr. Speaker, I rise to honor Gilbert Murray, former President of the California Forestry Association. Today marks the 1-year anniversary of Gil's tragic death at the hands of the Unabomber.

Today, I will not dwell on the tragedy of Gil's death, but rather on the greatness of his life. Gil was a respected professional leader. He advocated good stewardship of our forests to keep them beautiful and productive for our children and grandchildren.

More importantly, Gil was a leader in his home. Despite his professional commitments, he always made his family his priority. He was never too busy for his wife and two sons.

In every way Gilbert Murray was an exemplary man. I speak for many in northern California in saying that we remember him fondly and miss him greatly.

THE AMERICAN PEOPLE HAVE SPOKEN: RAISE THE MINIMUM WAGE

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

Ms. VELÁZQUEZ. Mr. Speaker, the American people have spoken. The latest polls show that 85 percent of Americans are in favor of raising the minimum wage.

I will say to my Republican colleagues, they have lost the battle in the court of public opinion.

So what does the Republican leadership now plan to do? Instead of following the will of the American people, they are following the will of corporate America and the fat cats who have funded their campaigns. That is immoral.

The latest Republican shell game will eliminate the earned income tax credit and then exclude workers without children from getting a raise. The rationale is to save $15 billion and give more breaks to big, big business. This ridiculous proposal takes working families one step forward and knocks them two steps back.

My colleagues, if we want to help working families, we must insist on a clean minimum wage bill with no strings attached, and vote to raise the minimum wage without delay.

RENEWABLE ENERGY EXPO 1996

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

Mr. SCHAEFER. Mr. Speaker, I would like to urge Members to visit the Renewable Energy Expo 1996, taking place today from noon to 3 p.m. in the Cannon Caucus Room.

This exhibit, being sponsored by three dozen trade associations, industry groups, and businesses, offers you the opportunity to inspect the latest American renewable energy and energy-efficient technologies. You can ask the groups' representatives questions about their projects throughout the country, including some which may be operating in your own district.

The renewable energy expo is being put on in cooperation with the House Renewable Energy Caucus, a bipartisan group I founded in February along with six other Members. This caucus has grown 10 times in size—to 70 members—in less than 3 months, demonstrating the broad support renewables enjoy in Congress and throughout the country, renewables for our children and their grandchildren.

I hope you can stop by the Cannon Caucus Room today to see vivid demonstrations of our country's energy future.

REPUBLICAN LEADERSHIP DENIES MINIMUM-WAGE WORKERS EVEN EXIST

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

Ms. DELAURO. Mr. Speaker, my Republican colleagues are reaching new heights of desperation as they scurry to dodge a vote on raising the minimum wage, even though the minimum wage is at a 40-year low, even though a 90-cent increase would help over 10 million workers in this country, and even though the average minimum-wage worker brings home more than half of his or her family's income.

It might be interesting to note that Members of this Congress earned more during the shutdown of this Government during the Christmas holidays than a full-time minimum-wage worker makes in an entire year. But despite all that, the Republican leadership will go to any length to kill an increase in the minimum wage. They are not even afraid of resorting to fantasy.

Yesterday the House majority whip said, ''Emotional appeals about working families trying to get by on $4.25 an hour are hard to resist. Fortunately, such families don't really exist.''

They do not believe that people do exist on the $8,500 a year or are trying to exist on that amount of money. Tell it to the 300,000 families in this country who are minimum-wage workers. Let us go to a clean, straight vote on raising the minimum wage.

LIBERALS REACHING NEW HEIGHTS IN DEMAGOGUERY

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

Mrs. SEASTRAND. Mr. Speaker, the liberals in Congress have reached new heights in demagoguery in the last few months, and with the help of the liberal media and the big special interests, AFL–CIO, they have been able to

label anything that Republicans attempt to do as extreme or radical.

Mr. Speaker, truth always has a way of rearing its ugly head, and while the liberal Democrats were misleading Americans about the environment and while they were out demagoging about the balanced budget, the Medicare Program has incurred the largest losses in its history.

□ 1130

In the first half of this fiscal year Medicare has lost $4.2 billion, and I would just say it has got to be true because I am holding the Santa Barbara News-Press, owned by the New York Times, and here is the front page article from the April 22 issue: ''Medicare Trust Fund Loses $4 Billion. Clinton Administration Downplays Apparent Miscalculations.'' So as I said, even the liberal press is exposing that, and I would just say the President vetoed it and now we see his party's inaction on solving and preserving Medicare.

REPUBLICANS FIX MEDICARE BY CUTTING BENEFITS

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

Mr. PALLONE. Mr. Speaker, here they go again. My colleagues on the other side, the Republicans, are now talking about how they want to fix Medicare essentially by cutting Medicare and using the money to pay for tax breaks for the wealthy. We had this all through 1995. Now they are trying to distort the information that came out in the New York Times about the Medicare trust fund, to go ahead with their radical plan to cut Medicare in order to pay for these tax breaks for wealthy Americans.

Well, let me tell the Members that this trust fund is not broke. We know now that it has $126.1 billion in surplus. This small deficit that was incurred in the first 6 months of this year does not justify going ahead with this radical plan to cut Medicare and give back these tax breaks to wealthy Americans.

The Republican leadership has refused to sit down with President Clinton and try to work on a bipartisan basis to come up with an answer for Medicare to make sure it is solvent. We are not talking about today. We are not even talking about the next few years. This insolvency, if it occurs, is I think 2001 or 2002. Do not let it be an excuse on the part of the Republicans to give these tax breaks to wealthy Americans.

INTRODUCING THE REGULATORY FAIR WARNING ACT

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

Mr. GEKAS. Mr. Speaker, too often we hear stories about the small businessman who hires and employs three or four people, and then gets slapped with a legal action by a Federal agency on a matter on which the small businessman knows very little about its background or its effect. So what does a small businessman have as an option? One, he can hire a lawyer to try to defend against a wrong about which he did not know; or, in the second place, just pay the fine or other sanction that the agency requires because that is the easiest way to go.

I am today introducing the Regulatory Fair Warning Act, which would require the agencies to provide reasonable notice ahead of time of the change of a regulation or how it is to be enforced so that the small businessman, the employer, can try to comply with that without having been hit with a legal action, not knowing what he was supposed to do. This is a fair warning whose time has come.

REPUBLICAN MEDICARE CURE IS WORSE THAN THE AILMENT

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

Mr. LEVIN. Mr. Speaker, my Republican colleagues who come here to sound an alarm on Medicare, even though this alleged shortfall has already been known by CBO and they have taken it into account, although almost every year we have been responding within Ways and Means to make sure the Medicare fund stays solvent.

The trouble with the Republican approach is that their cure has been far worse than the ailment, a heavy hit on seniors and providers to fund a tax cut for a very wealthy few. Their proposal gambles with the health of older Americans by excessive expenditure cuts and risky proposals.

In contrast, the President has proposed a plan that would extend the solvency of the part A hospital insurance trust fund through the next decade without hurting seniors.

What the Republicans are doing, sounding an alarm to put out a fire, they want to tear down the Medicare house The public rejected it last year. They will reject it again this year.

THE PRESIDENT'S SOFT AND LIBERAL JUDICIAL APPOINTMENTS

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

Mr. FUNDERBURK. Mr. Speaker, what the President does and what he says about judicial appointments are the mental equivalent of the great Joe Montana's play action, fake to the right and run to the left—and in this case, it is talking tough and acting soft. The President constantly talks about putting 100,000 cops on the beat but his judicial appointments are releasing felons back on the streets where they can again prey on the unsuspecting American public. We need more than just laws against felons if the soft and liberal judges appointed by the President simply ignore the law and free them. What we really need are judges that will adhere to the spirit and letter of the law and punish violent criminals to the full extent of the law. We must not punish the American public again by allowing this disgraceful revolving door of justice.

If we want judges who are as concerned about the rights of law-abiding citizens and victims as they are about those of violent criminals, then we need a new President in the White House.

SUPPORT A CLEAN MINIMUM WAGE INCREASE

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

Ms. MCKINNEY. Mr. Speaker, yesterday I sent this letter to my colleague from Georgia, Speaker GINGRICH, urging him to hold a vote on a clean minimum wage increase before the Memorial Day district work period.

And today, Mr. Speaker, I would like to reiterate on the floor of the House what I stated to Speaker GINGRICH in this letter.

In the letter I said:

> The false link you are creating between a minimum wage increase and a reduction in worker protections, is little more than a cynical ploy to convince people earning $8,400 a year that less safe working conditions are the price they must pay for a living wage. This Machiavellian approach is insensitive to the needs of thousands of working Georgians who struggle just to put food on the table. As of 1994, 11.9% of Georgia's workforce was earning between $4.25 and $5.14 an hour. A 90-cent increase would help these nearly 362,000 people make ends meet.

Once again, Mr. Speaker, I urge my colleague from the Sixth District of Georgia to permit a vote on a clean minimum wage increase.

CAMPAIGN REFORM

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

Mr. GOSS. Mr. Speaker, during the 104th Congress, we have made some very positive changes in how we do business around here. We have legislated more stringent lobbyist registration requirements, disclosure requirements of their activities. We have passed a new House rule that prohibits Members and staffs from accepting any gifts, including meals or event tickets, from lobbyists or any other individuals other than family and close friends.

This is a good start, but it has not changed the persistent perception across our country that special interest groups have an edge over individual contributors when it comes to election time.

Our next step is to change how we run our campaigns. I have introduced H.R. 3274 to do just that. My bill does limit PAC contributions, and it requires that contributions come from within the candidate's State and that 50 percent of contributions come from within the candidate's district. If we are here to represent the people from our district, then they are the ones that should help us get here. They are the Americans we work for and are accountable to.

It is time for meaningful campaign reform. We can pass some. We should do it. It makes sense.

AMERICA'S WORKING FAMILIES NEED AN INCREASED WORKING WAGE

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

Mr. FAZIO of California. Mr. Speaker, when Franklin D. Roosevelt first proposed a national minimum wage, he described it as a ''fair day's pay for a fair day's work.'' Now, 50 years later, the minimum wage has plummeted to its lowest value ever and its purchasing power has fallen to a 40-year low. On an annual income of $8,400 a year, paying the bills and keeping food on the table is a daily challenge for minimum wage workers.

The 90-cent increase proposed by the President and Democrats in Congress would make the minimum wage a living wage. An extra 90 cents an hour would pay for 7 months of groceries, a year of health care costs, 9 months of utility bills, or 4 months of housing.

Contrary to Republican rhetoric, the average minimum wage worker is not a teenager looking for a little extra cash. She is a working mother, often the only wage earner in her family.

Let us not load up a minimum wage increase with all sorts of special breaks and goodies that would cause the President to veto the bill.

America's working families need an increased working wage, protections for their pensions, an effective education for their children, and affordable health care. Is that too much to ask?

Let us start by raising the minimum wage.

WAKEUP CALL

(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, politicians excoriate liberal judges for releasing dangerous criminals and the Clinton appointees are among the worst. But defense and plaintiff attorneys have found an even greater ally, the bleeding-heart juries.

Half of the jury in the first case hung up the jury saying the Menendez brothers who murdered their parents for insurance money were afraid of their parents and should be released. It reminds me of the case in Richmond, CA, where the burglar fell through the roof and sued the property owner for having a faulty roof and won. Yesterday's decision that Bernhard Goetz who defended himself from subway muggers should pay $43 million because he injured one of the muggers was among the worst cases.

The real problem is not just liberal judges or bleeding-heart juries but a lack of absolute values. Our Nation's switch to situational ethics does not allow us to hold people responsible for their own misdeeds.

Should people who murder their parents prosper? Should burglars sue innocent property owners? Should thugs and muggers enrich themselves through court action when their victims rise up and defend themselves.

Wake up, America, before your ability to move safely in urban areas joins the 40 percent of your income taken by a loving and caring government.

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

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule:

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; committee on National Security; Committee on Resources; Committee on Science; Committee on Transportation and Infrastructure; and Committee on Veterans' Affairs.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 175, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 411 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 411

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 175) making further continuing appropriations for the fiscal year 1996, and for other purposes, modified by striking title II of the joint resolution. The joint resolution as modified shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution as modified to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from South Boston, MA [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, this rule provides for the consideration in the House of House Joint Resolution 175, making further continuing appropriations for fiscal year 1996. It provides for 1 hour of debate equally divided between the chairman and ranking minority member of the Appropriations Committee.

It orders the previous question to final passage without intervening motion except one motion to recommit which, if containing instructions, may only be offered by the minority leader or his designee.

Mr. Speaker, the rule also modifies House Joint Resolution 175 by striking out title II, which contained language to recapitalize the Savings Association insurance fund, better known as SAIF, and avoid another taxpayer bailout of yet another deposit insurance fund. Let me underscore that again. The plan was designed to avoid a taxpayer bailout and look for a private sector solution. This is an unfortunate but necessary step that was taken by the Rules Committee because passage of this 1-day continuing resolution is needed to forestall a disruption in Government services while congressional leaders and the administration work out the details of a permanent continuing resolution. As my colleagues know, the funding authority that much of the Government is currently now operating under expires in about 12 hours and 16 minutes.

Mr. Speaker, I want to take a moment to explain why I believe that the SAIF recapitalization legislation is needed, and why I hope that the majority and minority leadership in both the House and the Senate will work with the administration to bring this legislation before the House just as expeditiously as possible.

Mr. Speaker, because the bank insurance fund became fully capitalized last year, deposit insurance premiums to that fund fell from 23 cents per $100 to 4 cents. Consequently, there is a premium disparity that exists now between the bank insurance fund and the Savings Association insurance fund.

□ 1145

That creates a situation that could undermine the competitive balance between the two industries.

To address this disparity, language was added to House Joint Resolution 175, but stricken by this rule, to require thrifts to pay a one-time assessment of $5.5 billion to recapitalize the Savings Association Insurance Fund. The Bank Insurance Fund would assume 75 percent of the responsibility for annual payments on the financing corporation bonds used to pay for the 1987 thrift industry rescue plan.

In return, Mr. Speaker, banks would receive a rebate of up to $500 million for excessive premiums paid to the Federal Deposit Insurance Corporation, and the two FDIC funds would be merged in 2 years.

The reason the legislation is needed to be enacted sooner rather than later is that, to avoid the premium disparity, many thrifts will seek to transfer their deposits to BIF-insured institutions. If this happens, there will not be enough premiums in the safe to cover the $600 million a year in FICA bond obligations. That could happen by the end of this year, forcing a Government default and sometime thereafter another potential Federal bailout of the S&L insurance fund.

Every banking regulator agrees that the system needs to be fixed today, including the FDIC, the Treasury Department, the Federal Reserve Board Chairman Alan Greenspan. In fact, as Chairman Greenspan pointed out in a March 4 letter he sent to my California colleague, Mr. ROYCE, he said,

Even if there were no evolving problem with two different insurance premiums, the existing deposit insurance system, with its reliance on two funds, is inherently unstable.

Mr. Speaker, the safe recapitalization legislation is the first step toward merging the funds and the industries. Today there is little of a material nature that distinguishes a bank charter from a thrift charter. The consequences of having two funds is that one industry can have a competitive advantage, even though the funds are both operated by the Federal Deposit Insurance Corporation. This is not a logical deposit insurance system.

Many of my friends in the banking industry argue that they should not have to help pay for the thrift bailout because banks did not cause the problem. Mr. Speaker, neither did the well-run, healthy thrifts cause the problem that exists today.

Since the only other option, which is another taxpayer bailout of a deposit insurance fund, is not a realistic option from my perspective, the only solution is a shared private sector solution. The result will be to enhance the safety and soundness of the banking system, benefiting consumers of financial products and services and strengthening the competitiveness and long-term health and profitability of the industry.

Mr. Speaker, Congress' failure to deal with a looming threat to the deposit insurance system 10 years ago led to the biggest financial calamity since the Great Depression. Let us not make that same mistake twice. There will be no better opportunity than now to deal with this problem, and I look forward to working with the leadership, the gentleman from Iowa, Chairman LEACH, and the administration, to get this matter once and for all resolved.

In the meantime, we must address the need to keep the Government operating. So I urge adoption of this rule and adoption of the one-day continuing resolution.

Mr. Speaker, I include for the RECORD the following material:

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

[As of April 23, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	62	59
Modified Closed[3]	49	47	26	25
Closed[4]	9	9	17	16
Total	104	100	105	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

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

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of April 23, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of April 23, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	

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

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

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

Mr. Speaker, today the House is considering a noncontroversial 1-day temporary spending bill. Although today's continuing resolution is the 13th since last October, we finally can see the light at the end of the tunnel of continuing resolutions.

As I understand it, Mr. Speaker, my Republican colleagues are just about to complete the long-term continuing resolution which will provide funding until the beginning of the next fiscal year. For that reason, we must pass this 1-day continuing resolution to ensure that the Government continues to function while my Republican colleagues complete their work.

I hope they will be able to do so today so that the 14th continuing resolution is the last one that we will pass this year. The House needs to put the 1996 appropriations bills behind us and get started on the 1997 appropriation bills. So I urge my Republican colleagues to get our Government back on its feet and start running this place the way it should be.

Mr. Speaker, at the beginning of this Congress, the Republican majority claimed that this House was going to consider bills under an open process. It was going to be much more open than the Congress before it. I would like to point out at this time, Mr. Speaker, that 92 percent of the legislation this session has been considered under a restricted process. Not only are the Republicans restricting the process on the floor, they are also restricting Members' input during the committee process.

I find it unfortunate that 72 percent of the legislation considered this session has not been reported from committee. In fact, 13 out of 18 measures brought up this session have been unreported.

Mr. Speaker, I include the following material for the RECORD.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ2	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. *RULE AMENDED*.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	.....
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	.....
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR.	ID
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 92% restrictive; 8% open. **** All legislation 104th Congress, 63% restrictive; 37% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 13 out of 18, or 72 percent, of the bills considered under rules in the 2nd session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643—To Authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134—Making Continuing Appropriations for FY 1996.

H.R. 1358—Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.

H.R. 2924—The Social Security Guarantee Act.

H.R. 3021—To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.

H.R. 3019—A Further Downpayment Toward a Balanced Budget.

H.R. 2703—The Effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165—Making Further Continuing Appropriations for FY 1996.

H.R. 125—The Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136—The Contract With America Advancement Act of 1996.

H.J. Res. 159—Tax Limitation Constitutional Amendment.

H.R. 1675—National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175—Making Further Continuing Appropriations for FY 1996.

Mr. MOAKLEY. Mr. Speaker, I have no additional requests for time, but I reserve the balance of my time, pending my very dear friend's action on the other side of the aisle.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say I have no further requests for time and I urge support of this rule. Let us move ahead. We are now down to 12 hours and 10 minutes until the Government is scheduled to shut down. We have moved ahead with this rule rapidly. Let us move ahead just as quickly with the continuing resolution.

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

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

Mr. DREIER. Mr. Speaker, with that, I urge strong support of this rule and of the resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF S. 735, ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

Mr. LUCAS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 55) to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. RADANOVICH). Is there is objection to the request of the gentleman from Oklahoma?

Mr. MOAKLEY. Mr. Speaker, reserving the right to object, although we do not object to the substance of this concurrrent resolution, the gentleman from Michigan [Mr. CONYERS], the ranking member of the Committee on the Judiciary, who could not be here because of a Committee on the Judiciary markup, would like to note the deficiencies in the process leading up to this unanimous-consent request. The ranking member of the Committee on the Judiciary was not informed of the problems in this bill, nor was he included in the discussions as to how to fix this bill.

The support of the gentleman from Michigan [Mr. CONYERS] was enlisted only after the text of the resolution was agreed to. So, in the future, if the majority seeks a unanimous-consent request, we expect the Democrats to be consulted at the beginning of the process, and not at the end.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is their objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

(a) In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443 respectively.

(b) Strike section 1605(g) of title 28, United States Code, proposed to be added by section 221 of the bill, and insert the following:

''(g) LIMITATION ON DISCOVERY.—

''(1) IN GENERAL.—(A) Subject to paragraph (2), if an action is filed that would otherwise be barred by section 1604, but for subsection (a)(7), the court, upon request of the Attorney General, shall stay any request, demand, or order for discovery on the United States that the Attorney General certifies would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, until such time as the Attorney General advises the court that such request, demand, or order will no longer so interfere.

''(B) A stay under this paragraph shall be in effect during the 12-month period beginning on the date on which the court issues the order to stay discovery. The court shall renew the order to stay discovery for additional 12-month periods upon motion by the United States if the Attorney General certifies that discovery would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action.

''(2) SUNSET.—(A) Subject to subparagraph (B), no stay shall be granted or continued in effect under paragraph (1) after the date that is 10 years after the date on which the incident that gave rise to the cause of action occurred.

''(B) After the period referred to in subparagraph (A), the court, upon request of the Attorney General, may stay any request, demand, or order for discovery on the United States that the court finds a substantial likelihood would—

''(i) create a serious threat of death or serious bodily injury to any person;

''(ii) adversely affect the ability of the United States to work in cooperation with foreign and international law enforcement agencies in investigating violations of United States law; or

''(iii) obstruct the criminal case related to the incident that gave rise to the cause of action or undermine the potential for a conviction in such case.

''(3) EVALUATION OF EVIDENCE.—The court's evaluation of any requst for a stay under this subsection filed by the Attorney General shall be conducted ex parte and in camera.

''(4) BAR ON MOTIONS TO DISMISS.—A Stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

''(5) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States.''.

(c) In section 620G(a), proposed to be inserted after section 620F of the foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

(d) In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 326 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

(3) insert ''section'' before ''6(j)''.

(e) In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert ''foreign'' before ''terrorist organization'';

(2) in subsection (a)(2)(A)(i), strike ''an'' before ''organization under'' and insert ''a foreign'';

(3) in subsection (a)(2)(C), insert ''foreign'' before ''organization''; and

(4) in subsection (a)(4)(B), insert ''foreign'' before ''terrorist organization''.

(f) In section 2339B(g), proposed to be added at the end of chapter 113B of tile 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(g) In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of State''; and

(3) add the words ''the government of'' after ''engaged in a financial transaction with''.

(h) At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

(i) In sections 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

(j) In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

(k) In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill, strike ''security''.

(l) Strike section 431 of the bill and redesignate sections 432 through 444 as sections 431 through 443, respectively.

(m) In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

(n) In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

(o) In section 443, by striking subsection (d) in its entirety and inserting:

''(d) EFFECTIVE DATE.—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulations that shall be published on or before January 1, 1997.''.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 411, I call up the joint resolution (H.J. Res. 175) making further continuing appropriations for the fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 411, House Joint Resolution 175 is modified by striking title II.

The text of the joint resolution, as modified, is as follows:

H.J. RES. 175

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONTINUING APPROPRIATIONS

SEC. 101. Public Law 104–99 is further amended by striking out ''April 24, 1996'' in sections 106(c), 112, 126(c), 202(c), and 214 and inserting in lieu thereof ''April 25, 1996''; and that Public Law 104–92 is further amended by striking out ''April 24, 1996'' in section 106(c) and inserting in lieu thereof ''April 25, 1996''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [MR. OBEY] will each control 30 minutes.

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

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 175, and that I may be permitted to include extraneous and tabular material.

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

There was no objection.

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

Mr. Speaker, I hope that it will not be necessary to use anywhere near the time allotted for this measure. This is a 24-hour continuing resolution intended primarily to allow the negotiators in the conference between the House and Senate Republicans and Democrats to finalize the negotiations with the White House and Mr. Panetta, the Chief of Staff, on the omnibus wrap-up appropriations bill for fiscal year 1996.

This wrap-up bill would conclude all of the remaining as yet unsigned into law subcommittee bills, namely Commerce-Justice-State, Interior, VA-HUD, Labor-Health, and the District of Columbia. The intent would be that, because I think that we have narrowed the issues now, within the next few hours hopefully we can finalize the deliberations on all of the remaining outstanding issues of difference between the White House and both houses of Congress, and that we will indeed have a bill ready to bring to the House of Representatives tomorrow morning after going to the Committee on Rules.

That is my expectation at this point. There are still some real and meaningful differences, between all the parties, between the Houses, and between the Congress and the White House, but my expectation is those differences will be resolved in a matter of hours and that we will have a final agreement to bring here to the floor. If that is not to be, then we will have other statements to make later on, but that is our plan at this point. I would hope that, frankly, everything I have said will come to pass.

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

Mr. OBEY. Mr. Speaker, this is, what, the 13th continuing resolution? Let me simply say that if this continuing resolution were for longer than 1 day, I would not support it, because it would be yet another confession of futility on the part of the Congress. But the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the committee, is correct. We are that close to having agreement on the omnibus continuing resolution, which would finally, finally, put to bed all of the appropriation issues for the fiscal year into which we are now halfway.

Let me just say that I think Members have had a right to be concerned, because school districts are being squeezed. You still have the problem of some 40,000 title I teachers who are about to be pink-slipped if there is not a resolution of the problem.

The conferees have met ad nauseam the last 3 days, actually since Friday, and I think at this point virtually every issue seems to be resolved except the issues surrounding the environmental riders and two other issues, which I expect can be resolved.

So it is my hope that when we reconvene meetings with Mr. Panetta at 2 or 2:30 today, that we will have agreement. To do so, the White House has made clear the remaining environmental riders, which are simply causing problems, will need to be dropped, or at least reshaped in a way that allows the President to protect the public interest as he sees it.

☐ 1200

And if that is accomplished, then we can bring that bill to the floor and finally finish this and move on to next year's appropriation matters.

It is my deep hope that that will, in fact, occur, but I thought it was going to happen yesterday but at 9 o'clock last night we were further apart than we were at 5 o'clock in the afternoon which I find interesting and incredible and frustrating but I guess it sometimes happens in legislative bodies.

So I simply hope that cooler heads will prevail and we will wind up with those riders being dropped so that we can bring legislation to the floor which solves the problem.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, let me thank my colleague for yielding time to me. When the rule was before the body to bring up this continuing resolution, the gentleman from California [Mr. DREIER] was very lengthy and eloquent in his support of a provision that was in the resolution but was struck by adoption of the rule. That provision had to deal with the resolve for a problem we are facing with the savings and loan insurance fund, which is the SAIF fund.

It was kind of surprising to me that the gentleman from California spoke in strong support of it even though the Committee on Rules that he served on did pull it out of the product that we are ready to vote on the floor.

I would like the chairman of the committee, Mr. LIVINGSTON, to possibly yield for a question, because I am aware that he also supported this provision. Is it possible that the long-term continuing resolution that we should be seeing hopefully tomorrow would contain a fix for that very knotty problem?

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

Mr. KLECZKA. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would say to the gentleman it is not my intention to put that on the bill tomorrow. We have a very tough situation on a bill that has been pounded out over months and months, and, frankly, I do not think it can bear any more weight. So I would, frankly, be not inclined to put it on.

Mr. KLECZKA. Well, Mr. Speaker, it seems surprising to me that the gentleman from California, who serves on the Committee on Rules, was supporting a provision although he supported pulling it out of this resolution. If I had known that was the opinion of the chair of the committee, I surely would have tried to object to adoption of the rule, which we have just adopted in the House, and called for a roll call to see if we could not retain that in this short-term CR.

It seems it is an important issue, which I think we have to address before the end of the session, because it will

just keep floating around out there. And, naturally, it is looking for a vehicle to be attached to because as a stand-alone, chances are it will not come before us.

So I am very disappointed to hear it will not be a part of the product that we will be addressing probably tomorrow. I thank the gentleman for yielding.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute to say that I hope that by this afternoon we will have a resolution of this long-term problem. It would be a shame if the continued existence of these legislative provisions on environmental issues would prevent us from reaching agreement on the budget, and I hope that they are dropped so that we can proceed to give the country what it needed 6 months ago, which is completion of congressional action on all of these appropriation bills.

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

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

The SPEAKER pro tempore (Mr. RADANOVICH). Pursuant to House Resolution 411, the previous question is ordered on the joint resolution, as modified.

The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 14, not voting 18, as follows:

[Roll No. 129]

YEAS—400

Abercrombie	Bonior	Clayton
Ackerman	Bono	Clement
Andrews	Borski	Clinger
Archer	Boucher	Coburn
Armey	Brewster	Coleman
Bachus	Browder	Collins (GA)
Baesler	Brown (CA)	Collins (IL)
Baker (CA)	Brown (FL)	Collins (MI)
Baker (LA)	Brown (OH)	Combest
Baldacci	Brownback	Condit
Ballenger	Bryant (TN)	Conyers
Barcia	Bunn	Cooley
Barr	Bunning	Costello
Barrett (NE)	Burr	Cox
Barrett (WI)	Burton	Cramer
Bartlett	Buyer	Crane
Bass	Callahan	Crapo
Bateman	Calvert	Cremeans
Beilenson	Camp	Cubin
Bentsen	Campbell	Cunningham
Bereuter	Canady	Danner
Bevill	Cardin	Davis
Bilbray	Castle	de la Garza
Bilirakis	Chabot	Deal
Bishop	Chambliss	DeFazio
Bliley	Chapman	DeLauro
Blute	Chenoweth	DeLay
Boehlert	Christensen	Dellums
Boehner	Chrysler	Deutsch
Bonilla	Clay	Diaz-Balart
Dickey	Jefferson	Paxon
Dicks	Johnson (CT)	Payne (NJ)
Dingell	Johnson (SD)	Payne (VA)
Dixon	Johnson, E. B.	Pelosi
Doggett	Johnson, Sam	Peterson (FL)
Dooley	Jones	Peterson (MN)
Doolittle	Kanjorski	Petri
Dornan	Kaptur	Pickett
Doyle	Kasich	Pombo
Dreier	Kelly	Pomeroy
Duncan	Kennedy (MA)	Porter
Dunn	Kennedy (RI)	Portman
Durbin	Kennelly	Poshard
Edwards	Kildee	Pryce
Ehlers	Kim	Quillen
Ehrlich	King	Quinn
Emerson	Kingston	Radanovich
Engel	Kleczka	Rahall
English	Klink	Ramstad
Ensign	Klug	Rangel
Eshoo	Knollenberg	Reed
Evans	Kolbe	Regula
Everett	LaFalce	Richardson
Ewing	LaHood	Rivers
Farr	Lantos	Roberts
Fattah	Largent	Roemer
Fawell	Latham	Rogers
Fields (LA)	LaTourette	Rohrabacher
Fields (TX)	Lazio	Ros-Lehtinen
Filner	Leach	Rose
Flake	Levin	Roth
Flanagan	Lewis (CA)	Roukema
Foley	Lewis (GA)	Roybal-Allard
Forbes	Lewis (KY)	Royce
Ford	Lightfoot	Rush
Fowler	Lincoln	Sabo
Fox	Linder	Salmon
Frank (MA)	Lipinski	Sanders
Franks (CT)	Livingston	Sanford
Franks (NJ)	LoBiondo	Sawyer
Frelinghuysen	Lofgren	Saxton
Frisa	Longley	Schiff
Frost	Lowey	Schumer
Funderburk	Lucas	Scott
Furse	Luther	Seastrand
Gallegly	Maloney	Sensenbrenner
Ganske	Manton	Serrano
Gejdenson	Manzullo	Shadegg
Gekas	Markey	Shaw
Gephardt	Martinez	Shays
Geren	Martini	Shuster
Gilchrest	Mascara	Sisisky
Gillmor	Matsui	Skaggs
Gilman	McCarthy	Skeen
Gonzalez	McCollum	Skelton
Goodlatte	McCrery	Slaughter
Goodling	McDermott	Smith (MI)
Gordon	McHugh	Smith (NJ)
Goss	McInnis	Smith (TX)
Graham	McIntosh	Smith (WA)
Green (TX)	McKeon	Solomon
Greene (UT)	McKinney	Souder
Greenwood	McNulty	Spence
Gunderson	Meehan	Spratt
Gutierrez	Meek	Stark
Gutknecht	Metcalf	Stenholm
Hall (OH)	Meyers	Stockman
Hall (TX)	Mica	Stokes
Hamilton	Millender-McDonald	Studds
Hancock	Miller (CA)	Stump
Hansen	Miller (FL)	Stupak
Harman	Minge	Talent
Hastert	Mink	Tanner
Hastings (WA)	Moakley	Tate
Hayes	Molinari	Tauzin
Hayworth	Mollohan	Taylor (MS)
Hefley	Montgomery	Taylor (NC)
Hefner	Moorhead	Tejeda
Heineman	Moran	Thomas
Herger	Morella	Thompson
Hilleary	Murtha	Thornberry
Hilliard	Myers	Thornton
Hinchey	Myrick	Tiahrt
Hobson	Nadler	Torkildsen
Hoekstra	Neal	Torres
Hoke	Nethercutt	Torricelli
Holden	Neumann	Traficant
Horn	Ney	Upton
Hostettler	Norwood	Visclosky
Houghton	Nussle	Volkmer
Hoyer	Oberstar	Vucanovich
Hunter	Obey	Walker
Hutchinson	Olver	Walsh
Inglis	Ortiz	Wamp
Istook	Orton	Ward
Jackson (IL)	Packard	Waters
Jackson-Lee (TX)	Pallone	Watt (NC)
Jacobs	Pastor	Watts (OK)
Weldon (FL)	Wicker	Waxman
Weldon (PA)	Wise	Yates
Weller	Wolf	Young (AK)
White	Woolsey	Young (FL)
Whitfield	Wynn	Zeliff
		Zimmer

NAYS—14

Barton	Hastings (FL)	Stearns
Becerra	Hyde	Thurman
Clyburn	McHale	Velazquez
Coble	Owens	Williams
Gibbons	Scarborough	

NOT VOTING—18

Allard	Johnston	Riggs
Berman	Laughlin	Schaefer
Bryant (TX)	McDade	Schroeder
Coyne	Menendez	Towns
Fazio	Oxley	Vento
Foglietta	Parker	Wilson

☐ 1222

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

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

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 129, I was unavoidably detained on other congressional business and could not be present to vote. Had I been present, I would have voted ''yea.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE JOINT RESOLUTION 175, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make the following technical change in the engrossment of House Joint Resolution 175:

Strike the matter designating title I and section 101 and insert in lieu thereof ''That''.

This is a technical change. It corrects the section numbering. It has been cleared by the minority.

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

There was no objection.

PAPERWORK ELIMINATION ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 409

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2715) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal

paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1230

The SPEAKER pro tempore (Mr. BURTON of Indiana). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

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

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

Mr. LINDER. Mr. Speaker, House Resolution 409 is an open rule providing for the consideration of H.R. 2715, the Paperwork Elimination Act of 1996. This rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Small Business.

House Resolution 409 makes in order as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. Any Member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides for one motion to recommit with or without instructions as is the right of the minority. Under this rule, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has had that amendment preprinted in the CONGRESSIONAL RECORD.

I am pleased this bill will be considered under an open rule, which was unanimously approved by the Rules Committee yesterday. While the chairman of the Small Business Committee testified to the Rules Committee that she did not expect many amendments, this rule will provide the entire House with sufficient time to offer amendments and express any persisting apprehension about the bill.

Mr. Speaker, the American people have endured a brutal winter and welcome the arrival of spring. Unfortunately, our citizens still must deal with a blizzard of Federal paperwork requirements. As we approach the 21st century, the Paperwork Elimination Act recognizes the coming of non-paper-dependent information technologies, and will help reduce the avalanche of paper that has covered American taxpayers and small businesses.

I strongly supported the Paperwork Reduction Act that this Congress passed during the consideration of the Contract With America. That bill reduced the information collection burdens on the public and assured a more efficient and productive administration of information resources. Today's legislation builds upon the progress in paperwork reduction brought about by the enactment of that reform legislation.

The legislation before us today will further reduce the burden of Federal paperwork on small businesses and individuals by providing for the optional use of electronic technologies to meet the demands of Federal paperwork regulations. The American people spend billions of hours every year filling out Federal forms and submitting records to the Government, and it makes sense to allow those who have the capacity to comply with regulations by computer to take advantage of the information superhighway.

The Rules Committee heard testimony that the amount of time and effort spent by our citizens in complying with Federal regulatory paperwork represents a dollar value equal to 9 percent of the gross domestic product. The time and effort filling out paperwork would be better spent on the creation of new jobs.

I have always believed that those nations that have achieved the most impressive growth in the past have not been those with rigid Government controls, and we all know that Federal regulations and paperwork requirements are strangling job creation and productivity. Excessive Government regulatory mandates are not beneficial to economic development, and this bill enables small businesses and all taxpayers to save valuable time and money.

The Paperwork Elimination Act of 1996 has received considerable support, and I want to recognize Chairman JAN MEYERS and Representative PETER TORKILDSEN, chairman of the Small Business Committee's Government Programs Subcommittee. Their bill effectively reduces the paperwork burden, and also benefits the environment by reducing both the need for and the disposal of paper products. They have crafted sound legislation which I believe will receive overwhelming bipartisan support.

Mr. Speaker, H.R. 2715 was favorably reported out of the Committee on Small Business by voice vote, and this rule received the unanimous support of the Rules Committee. I urge my colleagues to support this rule, and I look forward to a thoughtful debate on the Paperwork Elimination Act of 1996.

Mr. Speaker, I submit the following extraneous material for inclusion in the CONGRESSIONAL RECORD:

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

[As of April 23, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	62	59
Modified Closed[3]	49	47	26	25
Closed[4]	9	9	17	16
Total	104	100	105	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

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

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of April 23, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	

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

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, House Resolution 409 is an open rule which will allow full and fair debate on H.R. 2715, a bill to reduce the burden of Federal paperwork requirements for small businessmen and individuals.

The bill, the Paperwork Elimination Act, follows last year's enactment of the Paperwork Reduction Act. It is a continuation of Congress' efforts to reduce the demands made on our citizens as a result of Federal regulation.

As my colleague from Georgia has described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business.

Under this rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments.

This rule is an easy one for me to support. The normal committee process was followed before the bill was presented to the Rules Committee. The Small Business Committee held a public hearing to consider the bill's provisions. Then the committee held a markup, amended the bill, and reported it by voice vote.

Mr. Speaker, this is an example of the kind of rule the Rules Committee should be reporting. This is the kind of process the House should be following.

I urge the adoption of the rule.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. REGULA). Pursuant to House Resolution 409 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2715.

The Chair designates the gentleman from North Carolina [Mr. TAYLOR] Chairman of the Committee of the Whole, and requests the gentleman from Indiana [Mr. BURTON] to assume the chair temporarily.

□ 1237

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2715) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies, with Mr. BURTON of Indiana, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentlewoman from Kansas [Mrs. MEYERS] and the gentleman from New York [Mr. LAFALCE] each will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, I am pleased to cosponsor and support the Paperwork Elimination Act of 1996, legislation which is sponsored by Congressman TORKILDSEN.

This legislation is a winner. Potentially, it will contribute to billions of dollars of savings in reduced regulatory compliance costs that small business and the public must pay in order to meet the Federal Governments paperwork demands. It is not only user friendly, it is also environmentally and public friendly.

I urge my colleagues vote for this bill.

Congressman TORKILDSEN is the chairman of the Subcommittee on Government Programs of the Small Business Committee. As a result of his work, the full committee voted unanimously on March 29 to report the bill favorably. This bill enjoys bipartisan support. The administration testified, welcomed the congressional support and attention the bill represents, and suggested an amendment which was adopted. The Chief Counsel for Advocacy of the Small Business Administration joined in the support. So did the small business witnesses.

We on the Small Business Committee have heard testimony that the dollar cost of Federal paperwork demands approximates $510 billion annually. In 1992 that dollar amount estimate of the time and effort the American public spends to meet regulatory paperwork requirements equalled 9 percent of the gross domestic product. I believe that percentage would be about the same today.

Small business pays a disproportionate share of that burden. That huge figure gives you a picture of the cumulative costs. Too frequently, these costs are barriers to job creation, job preservation, and economic productivity. They are the costs of Government which are hidden taxes because the money must be paid, and it is not paid by Government spending or collected by the Internal Revenue Service.

Given the significant role small business and small business entrepreneurs play in our economy, it makes common sense to do what is possible to eliminate and reduce these costs. The Paperwork Elimination Act emphasizes the opportunity provided to reduce costs by electronic compliance with the information demands of regulatory compliance.

This bill builds on the Paperwork Reduction Act of 1995. We passed that legislation as part of the Contract With America last session. Every Democrat and Republican voted for that measure and the President enthusiastically singed it last May. It went into effect his past October.

The Congress established burden reduction goals for the executive branch in that act. We in the House were particularly enthusiastic that the goals be established and that we try to meet them. For the next 2 years, the goals is to reduce the overall burden of Federal paperwork requirements by 10 percent. For the following 4 years the goal becomes 5 percent each year.

There were and continue to be serious skeptics as to whether these goals can be reached. We all agree that the Federal Government should aspire and do what it can to reach them. After all, 10 percent of $510 billion would be a hidden tax reduction of $51 billion.

For many of us, and I think we should thank Mr. TORKILDSEN for continuing to work on this, what makes those goals reasonable is the promise of the information age we live in. New information technologies, such as the growing use of computers and modems, which even the children are learning to use, holds out the promise that the paperwork costs can be reduced. If the Government gets smarter in leading the way for the public's use of new technology, those reduction goals can be reached.

The Paperwork Elimination Act is intended to help.

It requires Federal agencies to think strategically and consider how to provide electronic options to regulatory compliance each and every time an agency comes up with a new proposal for reporting, recordkeeping, or disclosure of information.

It requires that the electronic option be considered when agencies review their continuing information demands every 3 years. And it requires the Director of OMB, through the Office of Information and Regulatory Affairs [OIRA], to oversee and implement the Governmentwide adoption of the electronic option.

Lastly, it adds to the existing reporting requirement to Congress that instances of successes and failures be brought to the Congress' attention. That will enhance our oversight function and give us feedback on whether the reduction goals are being met.

Mr. Chairman, I believe this bill strikes a blow for a commonsense approach to regulatory and paperwork relief that all of us should support.

□ 1245

I want to thank the gentleman from Pennsylvania [Mr. CLINGER], chairman of the Committee on Government Reform and Oversight. We share jurisdiction with that committee, and Chairman CLINGER reviewed the work that we had done on it and waived his jurisdiction.

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

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

Mr. Chairman, I rise in support of my chairman.

H.R. 2715, the Paperwork Elimination Act of 1996, was originally referred to both the Committee on Government Reform and Oversight and to the Small Business Committee; however, after reviewing the legislation as reported from the Small Business Committee, the Government Reform Committee waived jurisdiction to formally consider the bill.

I believe that this legislation should be considered and passed without any delay. It is good for the Government and is good for those who are required to provide information to the Government. Moreover, it does not cost money.

Mr. Chairman, this bill simply provides that the Government should take steps to allow, and even encourage, the use of electronic information technology in order to reduce the burden on individuals and businesses that disclose information to the Government. It does not require these information providers to use electronic means to supply the data; it merely permits them to do so if they have the capacity, and many do.

Enactment of this bill will simply recognize that paper copies are not the only way to provide data to the Government. It may well be easier for citizens to transmit data electronically and it is certainly easier for the Government to receive it this way. Thus, I view this bill as a winner for all concerned.

I know of no opposition to the bill, and I urge all Members to support it.

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

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank the gentlewoman for yielding me the time, and I want to applaud the gentlewoman's leadership in moving this bill through the full committee and to the House floor.

Mr. Chairman, the legislation before us, the Paperwork Elimination Act of 1996, will require the Federal Government to get smart about the information age we live in. It requires the executive branch to become computer user friendly and allow small business and individuals the option to file all information required by the Federal Government electronically. It also requires Federal agency to make documents and publications available electronically as well.

Small business bears the disproportionate share of these reporting costs. The legislation today focuses on how the use of electronic submission, maintenance and disclosure of information demanded by the Federal Government can reduce the cost on small business. But State and local governments, government contractors, educational and nonprofit institutions, and the public at large will also benefit by the improvements in this bill.

This legislation potentially eliminates billions of dollars of cost that small business and others face in meeting Federal information demands.

I would also like to thank the bill's cosponsors for their support of this effort, as well, and also the bipartisan comments of support from the other side of the aisle. This really has been a bill that we have worked together with support from both sides of the aisle, from both the White House as well as the legislative branch, and that is why the bill is moving as quickly as it is.

Mr. Chairman, where I come from in New England, small business represents 53 percent of the private work force. Viewing our economy, small business plays an increasing role in creating new jobs as well as sustaining existing jobs. In 1993, industries dominated by small firms, from banking to tourism and everything in between, posted a net gain of over 1 million jobs, as opposed to industries dominated by large firms which lost 200,000 jobs. So clearly small business has been the engine for job growth in New England and other areas.

On the national level, the role that small business plays in the health of our economy is compelling. Small business accounts for more than three-quarters of all businesses that export. Small business contributed roughly 40 percent of the Nation's new high technology jobs during the last decade.

The health of small business is vital to our economy. The focus of the Paperwork Reduction Act is to find ways to reduce the costs of complying with government mandates by using electronic means to meet regulatory paperwork requirements. This will promote the advantages of the information age we live in, and explore the use of new information technologies and eliminate barriers to job creation caused by wasteful paperwork requirements.

Mr. Chairman, the information needs of the Federal regulatory system touch everything. Paperwork demands range from tax returns, health care reimbursement forms, and contract bids, to OSHA material data work sheets and EPA chemical reporting forms. Over and over again, there is a need, and sometimes it is very legitimate, a need for information for the Federal Government to fulfill its functions. This legislation says the Government must provide an electronic option for these demands.

The bill builds upon and complements the Paperwork Reduction Act of last year, legislation which this Congress passed unanimously. It amends that Act by specifying that small business and people with access to computers and modems should be able to use them when dealing with the Federal Government.

Again, let me emphasize this is an option for small business and individuals. It is not a requirement that they go out and computerize, although most small businesses do have at least one computer now. This is an option for them to report electronically.

I want to stress that that option is key to the bill's success. We would not be here if it were another mandate on small business. Indeed, this is an option, but one that will save small business extensive money in meeting their reporting requirements.

Also importantly, though, this bill will save money for the Federal Government, as well. Once an agency is online to receive computer-generated information, it will reduce its own cost of manually inputting information for paper reports.

Federal paperwork requirements are nothing more than hidden taxes of Government programs. The Committee on Small Business has heard testimony that these costs easily run into the hundreds of billions of dollars, and they are costs that have to be paid. They are not paid in cash to the Federal Government, but they are paid nonetheless. It is important that we reduce some of those costs through this bill.

Mr. Chairman, this legislation importantly is also environmentally friendly, as it substitutes paper with an electronic option. You do not need the paperwork. You do not need the actual forms to file with the Federal Government. Therefore, you do not have to produce the paper. Therefore, you do not have to cut down the number of trees you would need for those reams and reams of paper.

Let me give just a little example. For example, if you are a physician, you have to file this form, this one-page form, with HCFA on average about 8,000 times per physician. Now, 8,000 times is represented by the reams of paper right here. In 1 year, one physician just filing this one form, not counting the other forms they have to file with HCFA and other agencies, would have to use this much paper just for this one form.

Instead of producing all these forms that have to be filed, for every physician to file with HCFA, that information could be filed electronically. It could be stored on something as small as this disk.

So you are saving space. You are helping the environment by not needing to produce as much paper. You are saving costs to the Federal Government as well, because they will not

have to convert these handwritten forms into computer information, which is what their normal practice is. Most Federal agencies, when they receive these forms, do have someone convert them back from paper technology into computer technology. By taking out this paper mid-step, we will be able to save a great deal of cost, both for the private sector as well as for the taxpayers who have to pay the costs of that Federal agency.

Again, that is just one example out of thousands of reports that are required each and every year. In addition, there is a cost savings associated with this as well.

Filing the old-fashioned way on paper, one may find out in 6 or 8 weeks that there was a mistake. Maybe the person filling out the form left one space blank. Maybe they had the wrong serial number, some minor error. It will take 6 to 8 weeks just to receive notice that an error was made. The form has to be resubmitted.

In the meantime, your business, your operation is not receiving reimbursement for the service provided, or perhaps you are not in technical compliance with the reporting requirement, if it is a different type of form. By filing electronically, errors will be able to be spotted and corrected much more quickly, again saving time and money both for the private sector as well as for the Federal agency involved.

I think it is important to note that this is a step that will make the Federal Government friendly to the computer age; that we are saying that the Federal Government should be doing everything it can to make use of the great advances in technology that have happened, that have been developed mostly here in America, to see that anyone trying to create jobs will not have to pay any more than is necessary to meet these requirements.

This bill, the Paperwork Elimination Act, does not replace the Paperwork Reduction Act. At the same time we want to make sure that people can file any information electronically, we still want to keep an eye on reducing the actual cost of putting that information together and make sure that no information is being requested unless it is absolutely necessary for the public good and for the Federal Government to meet its legally obligated mission.

But this bill, this legislation, will go a long way in saying the Federal Government is willing to take the steps necessary to see that a small business, whether 1 or 5 or 50 employees, to see that small business has no more cost required on it than is absolutely necessary. That savings is good for that small business, it is good for job creation, it is good for the economy in general, and it is also good for the taxpayers.

I again applaud the gentlewoman from Kansas [Mrs. MEYERS], the Chair of the committee, for the great leadership she has shown on this bill and all issues dealing with small business. I again urge all my colleagues to vote for this legislation.

Mr. LAFALCE. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in support of H.R. 2715, the Paperwork Elimination Act of 1996, and to commend Chairwoman MYERS for her work on this issue.

In this age of growing technology, we should encourage and offer even more opportunities for small businesses to improve productivity through technology. H.R. 2715 will make it easier for many small businesses to provide information electronically to the Government, resulting in a reduced paperwork burden.

I would caution though, this legislation is not the answer to all small business problems. As the use of information technology flourishes, a gap is growing larger between the technology haves and the have-nots.

It is true that a great many Americans send and receive electronic mail with their personal computers. Many conduct bank transactions online, from home. The Internal Revenue Service reported that at least 11 million Americans filed their Federal income taxes electronically.

But the whole truth is, the technology users I just described do not live in the lower-income communities, like mine. Most of my constituents do not have access to technology. This means many of the small businesses in my community are quickly falling into the widening technology gap.

These businesses cannot afford to hire experts to develop software applications. They will not be taking advantage of the electronic option provided by this bill—let alone afford the expensive initial investment in computer equipment.

Although I encourage my colleagues to support this legislation—keep in mind that we need to take this bill a step further. We must continue to look for ways that will help small, disadvantaged businesses again access to information technology. If we fail to do so, we may very well lose one of the most vibrant sectors of our economy.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I come to the floor today as a proud cosponsor of the Paperwork Elimination Act. I commend the gentleman from Massachusetts [Mr. TORKILDSEN] for introducing this legislation and the gentlewoman from Kansas [Mrs. MEYERS], chairwoman, for her role in bringing this to the floor.

Last year we passed the Paperwork Reduction Act. Now we are going to pass the Paperwork Elimination Act to further improve agency efficiency and responsiveness to the public. This bill recommends that our country's small businesses and Federal agencies move into the electronic information age. Some small businesses are required to file forms with up to 50 different Federal, State and local agencies.

□ 1300

This is absolutely incredible when you think about it. I believe that more of their time should be spent concentrating on providing quality goods and services to their customers. I believe this is an important piece of legislation for small businesses in my own district in southern New Jersey, as well as for small businesses around the country.

It provides small business owners with a more efficient and effective means to quickly complete agency requirements, thereby allowing them to get on with growing and improving their small businesses.

Mr. Chairman, before serving in Congress, I spent my time in a small business, in a small family business in southern New Jersey. Along with my father and my brother and some other family members, we struggled with some of the very problems that we are attempting to address today. I witnessed year after year where the requirements just seemed to grow more and more on what we were expected to provide back in the form of paperwork.

Now, as it was stated before, this will not be an answer to the entire problem, but it is certainly a step in the right direction, because for the district that I represent in southern New Jersey that has so many small businesses that are trying to make ends meet, that are trying to do the right thing to provide jobs, this will give them an opportunity to see a small glimmer of hope.

I try, as I am sure my colleagues do, to attend as many business and Chamber meetings as I can when home on district work periods. This is something that I hear over and over again: Will you please put a human face on what you are doing in Washington and understand the implications of the decisions you make on those of us who live in the real world?

Mr. Chairman, in that real world, the paperwork requirements are a tremendous problem. It is one we are beginning to recognize today, and I am very proud that we will have the opportunity to move this forward.

So again, I am asking all my colleagues to yet again demonstrate our commitment, the commitment of this Congress, to easing the regulatory burden on American small businesses by supporting this Paperwork Elimination Act.

Mr. LAFALCE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Chairman, I rise in strong support of the Paperwork Elimination Act. This legislation builds on the Paperwork Reduction Act passed by the House last year, which was one of the top recommendations of the White House Conference on Small Business held last year.

I think Members of both parties can agree that the Federal paperwork demands on small businesses and individuals have become too time-consuming, expensive, and burdensome. It is estimated that business owners and ordinary citizens spend as much as 6 billion hours per year responding to Federal reporting requirements, ranging from employment forms from the Bureau of Labor Statistics to Internal Revenue Service returns, 6 billion hours of time that could be spent generating increased economic growth or helping kids with a school project.

H.R. 2715 provides the option of electronically submitting information needed to comply with Federal regulations. Small businesses and individuals can now send and receive mail, complete financial transactions, and read magazines and newspapers from their personal computer. There is no reason why they should not have the option of completing Federal Government forms by computer. Where possible, we need to simplify and streamline Government so that interaction with Government becomes more of a positive experience rather than a chore.

As a Member of the Committee on Small Business, I urge support for this legislation in order to better enable small businesses to compete and individuals to be productive in today's world.

Mr. Chairman, I thank the author, the ranking member, and the chairman.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise in support of H.R. 2715 and would like to thank the gentlewoman from Kansas, Chairman MEYERS, and the gentleman from Massachusetts, Chairman TORKILDSEN, for their steadfast work on this legislation. The Paperwork Elimination Act is excellent legislation, and the efforts of the committee are to be commended.

This bill is a streamlining government bill, and my original intent was to offer a pro-small business friendly amendment to this legislation. After being informed, however, that the amendment would be opposed by the minority on technical grounds, I have decided to withdraw the amendment, with the intent of proposing it as part of some future legislation. I do, however, want to explain the rationale for the amendment.

Quite simply, the language I intended to offer requires that in-House agency printing of Government information be limited to certain levels so as to allow for agency convenience. Meanwhile, however, it ensures that larger nonclassified jobs are outsourced to the private sector for maximum savings to the taxpayer.

Under my proposal, in-House convenience would be a limit of 1,000 units, or sheets of paper, or for a multipage document up to 5,000 sheets of paper. The current regulatory limit is 5,000 and 25,000, but clearly this limit is much too high. There is no question, for example, that a job requiring 50 reams of paper is a job a local printer can do for less than the Government Printing Office.

Mr. Chairman, so you can see that my amendment was intended to act in unison and as a complement toward the goal of H.R. 2715, which is streamlining Government.

My amendment is pro-small business. Most private printers are the mom and pop types of shops that all of us have in our own districts. If we insist that the Federal Government send its work out for a competitive bid, all of those small businesses will have an opportunity to bid on this work and drive down the cost to the taxpayer in the process.

The beauty of it is it is the small business community who would have benefited most, small businesses and the American taxpayer. Of course, with more work going to the private sector, small businesses may have the need to step up their work force to meet the increased demand, thereby making this a worker-friendly amendment as well.

My amendment is highly taxpayer friendly. The Government Printing Office has an outstanding procurement office with a proven record of purchasing printing more cheaply from the private sector than can be done by the Federal Government. The agencies are not fully availing themselves of this service, and that is the heart of this issue.

My amendment would save the taxpayers precious resources at a time when every dollar counts. This amendment is efficiency in Government. The amendment makes Government smaller by streamlining printing operations.

How many print shops do we need in the Federal Government, Mr. Chairman? Certainly not one in every Federal agency. In the President's own words from a statement dated July 22, 1994, he says ''Reform legislation can improve the efficiency and cost effectiveness of Government printing by maximizing the use of the private sector printing capability through open competitive procedures and by limiting Government-owned printing resources to those necessary to maintain a minimum core capacity.''

In explanation of the amendment, Mr. Chairman, we visited this issue before, and I would add under Democratic leadership. Section 207 of the Legislative Branch Appropriations Act of 1995 reaffirms congressional intent that the GPO, and the GPO only, is the sole source of procurement of printing, including duplicating, for the entire Federal Government.

Mr. Chairman, as we look for ways to decrease the paperwork burden generated by the Federal Government, we must look at both the unnecessary paperwork it demands, as well as the unnecessary paperwork it does. As you might say, there are two sides to the paper, especially when the paper generated within the Federal Government is costing taxpayers millions more than they should be paying.

A preliminary CBO score of this provision which I have revised from legislation that I introduced earlier in this Congress indicates a savings to the taxpayer of around $150 million per year. I would have hoped my colleagues might have supported my amendment on this basis, and because it is pro-small business, protaxpayer, prostreamlining Government.

Mr. Chairman, I look forward to the adoption of my amendment in some future legislation, and I urge the support of the Paperwork Elimination Act.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I would like to comment that there are more than 21 million small businesses in this country, according to current estimates. In recent years, these small enterprises have employed 54 percent of the private work force, contributed 52 percent of all sales in the United States, generated 50 percent of the private gross domestic product, and in 1994, they were responsible for an estimated 62 percent of the new jobs created. Thus, the term small is rather misleading when it comes to the real impact on our economy of small business.

I think it is important that we let them do what they do best, and that is generate innovative ideas, create jobs, and stimulate the economy. That is why this bill is so important, that we release them as much as possible from the burdens of paperwork.

These paperwork demands range from tax forms, loan applications, contract bids, EPA's chemical reporting for manufacturers to OSHA's material data sheets; all of these are informational requirements. We all know what we are talking about when we are talking about paperwork reduction and elimination.

Mr. Chairman, the bill is important, and I urge the support of my colleagues.

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

Mr. HORN. Mr. Chairman, as America rushes forward into the information age, the Federal Government is not keeping up. Instead of using new technology to streamline the application and reporting processes that individuals, State and local governments, businesses and nonprofits must provide—the paper pile continues to grow ever higher. For those at the grassroots, time, money, and jobs are lost in the process.

The Paperwork Elimination Act serves to cut through the reams of documents—particularly those which affect small businesses, and educational, and nonprofit institutions. It will minimize their burden through the use of computer technology. As a former University president, I know how effective this act will be.

I urge a ''yes'' vote on the Paperwork Elimination Act. In a few days, I will introduce a measure authorizing and encouraging electronic reporting. But today's vote is a beginning in reducing and eliminating unnecessary steps in the governmental processes.

Mrs. CLAYTON. Mr. Chairman, I rise today in support of H.R. 2715, the Paperwork Elimination Act.

At the end of March, Mr. Chairman, this legislation was reported out of the Small Business Committee by a voice vote.

Mr. Chairman, this is a non-controversial bill. It would accomplish several much needed reforms. First, Mr. Speaker, this bill would minimize the burden of Federal paperwork demands on small businesses through the use of alternative electronic information technologies. Second, this bill would direct the Office of Management and Budget to act as the administrative body responsible for directing the Federal Government's efforts to promote and monitor the use of this new technology. Although, this would increase the administrative costs to OMB, it would not significantly impact the budget. Nor, Mr. Speaker, would it create new mandates for Federal agencies because it does not require agencies to acquire and implement these new technologies. The authority to do this already exists.

Mr. Chairman, small businesses are the engine that drive our economy. They employ a large percentage of our work force and indeed, job growth in small firms is far outstripping that in large companies, which are laying off whole sections of the work force.

Mr. Chairman, this legislation will go a long way in removing the onerous paperwork burdens of small businesses, freeing them to concentrate their energies and creativity to producing higher quality products and expanding the economy.

Mr. Chairman, I commend Chairwoman MEYERS for her diligent efforts in bringing this worthwhile legislation to the House floor and I encourage my colleagues to support H.R. 2715.

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

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

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as having been read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 ''Paperwork Elimination Act of 1996''.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PURPOSES.

The purpose of this Act is to—

(1) minimize the burden of Federal paperwork demands upon small businesses, educational and non-profit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies, including the use of electronic maintenance, submission, or disclosure of information to substitute for paper; and

(2) more effectively enable Federal agencies to achieve the purposes of chapter 35 of title 44, United States Code, popularly known as the ''Paperwork Reduction Act.''

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORITY AND FUNTIONS OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

(a) DIRECTION AND OVERSIGHT OF INFORMATION TECHNOLOGY.—Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

''(vi) the acquisition and use of information technology, including the use of alternative information technologies, such as the use of electronic submission, maintenance, or disclosure of information to substitute for paper.''.

(b) PROMOTION OF USE OF ELECTRONIC INFORMATION TECHNOLOGY.—Section 3504(h) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ''; and'', and by adding at the end the following:

''(6) specifically promote the optional use of electronic maintenance, submission, or disclosure of information where appropriate, as an alternative information technology to substitute for paper.''.

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. ASSIGNMENT OF TASKS AND DEADLINES.

Section 3505(a)(3) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following:

''(D) a description of progress in providing for the use of electronic submission, maintenance, or disclosure of information to substitute for paper, including the extent to which such progress accomplishes reduction of burden on small businesses or other persons.''.

The CHAIRMAN. Are there any amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. FEDERAL AGENCY RESPONSIBILITIES.

(a) PROVIDING FOR USE OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(1)(B) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of clause (ii) and by adding at the end the following:

''(iv) provides for the optional use, where appropriate, of electronic maintenance, submission, or disclosure of information; and''.

(b) PROMOTION OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(3)(C) of title 44, United States Code, is amended by striking ''or'' after the semicolon at the end of clause (ii), by adding ''or'' after the semicolon at the end of clause (iii), and by adding at the end the following:

''(iv) the promotion and optional use, where appropriate, of electronic maintenance, submission, or disclosure of information.''.

(c) USE OF ALTERNATIVE INFORMATION TECHNOLOGIES.—Section 3506(c)(3)(J) of title 44, United States Code, is amended to read as follows:

''(J) to the maximum extent practicable, uses alternative information technologies, including the use of electronic maintenance, submission, or disclosure of information, to reduce burden and improve data quality, agency efficiency and responsiveness to the public.''.

The CHAIRMAN. Are there any amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. PUBLIC INFORMATION COLLECTION ACTIVITIES; SUBMISSION TO DIRECTOR; APPROVAL AND DELEGATION.

Section 3507(a)(1)(D)(ii) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of subclause (V), by adding ''and'' after the semicolon at the end of subclause (VI), and by adding at the end the following:

''(VII) a description of how respondents may, if apprppriate, electronically maintain, submit, or disclose information under the collection of information.''.

The CHAIRMAN. Are there any amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. RESPONSIVENESS TO CONGRESS.

Section 3514(a)(2) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ''; and'', and by adding at the end the following:

''(E) reduced the collection of information burden on small businesses and other persons through the use of electronic maintenance, submission, or disclosure of information to substitute for paper maintenance, submission, or disclosure of information, including—

''(i) a description of instances where such substitution has added to burden; and

''(ii) specific identification of such instances relating to the Internal Revenue Service.''.

The CHAIRMAN. Are there any amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. EFFECTIVE DATE.

This Act shall take effect October 1, 1997.

The CHAIRMAN. Are there any amendments to section 8?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BURTON of Indiana) having assumed the chair, Mr. TAYLOR of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2715) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses,

educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies, pursuant to House Resolution 409, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

☐ 1315

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No 130]

YEAS—418

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Dicks
Fields (TX)
Foglietta
Hastings (FL)
Houghton
Kasich
Laughlin
Livingston
McDade
Menendez
Parker
Schroeder
Whitfield
Wilson

☐ 1332

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MEYERS of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2715, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kansas.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1675, NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT OF 1995

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 410 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 410

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1675) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record on April 16, 1996 and numbered 1 pursuant to clause 6 of rule XXIII. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the

House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BURTON of Indiana). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. GOSS. Mr. Speaker, the Committee on Rules has reported an open rule for the consideration of H.R. 1675, the National Wildlife Refuge Improvement Act. This is a very straightforward rule, allowing any and all germane amendments to the bill—and providing priority in recognition to those Members who have caused their amendments to be printed in the CONGRESSIONAL RECORD. Finally, the rule makes in order a substitute amendment that was filed and printed in the RECORD on April 16 by Chairman YOUNG. The Rules Committee sent out a notice last week explaining that amendments to the bill should be drafted to this substitute.

Mr. Speaker, I have a great interest in this legislation—after all, Florida is the home of the first National Wildlife Refuge, created by President Theodore Roosevelt in 1903 and located on Pelican Island. The 14th Congressional District boasts four refuges, including the J.N. ''Ding'' Darling Refuge on Sanibel Island, which enjoys an international reputation for its abundant population of waterfowl and other wildlife. The legacy of ''Ding'' Darling—the nationally syndicated editorial cartoonist and avid sportsman—provides a good starting point for one of the debates that will take place with regard to H.R. 1675—specifically over the role of hunting, fishing, and wildlife observation in the refuge system. As a lifelong hunter and fisherman, ''Ding'' Darling argued for setting aside areas to protect and nurture wildlife species—such as the ducks he loved to hunt. The primary mission of these areas is to promote conservation, but he recognized that the goals of sportsmen and environmentalists were intertwined—and that indeed conservation and these sporting activities could peacefully coexist.

Some have criticized this bill for going too far in establishing hunting, fishing, and wildlife observation as purposes of the refuge system—later on today my colleague Mr. BOEHLERT and I hope to offer an amendment to clarify that this bill isn't expanding hunting on wildlife refuges—but simply recognizing that when compatible with the overall mission of conservation, hunting, fishing, and observation can and should continue to take place.

Mr. Speaker, as the chairman of the Resources Committee said in his testimony yesterday—right now there are no stated purposes for the National Wildlife Refuge System. It's a complex system to manage, and I believe that this bill is a legitimate effort to address this problem. I would urge my colleagues to support the rule and stay tuned to the debate.

Mr. Speaker, I include for the RECORD the following information:

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

[As of April 24, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	62	59
Modified Closed[3]	49	47	26	25
Closed[4]	9	9	17	16
Total	104	100	105	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

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

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of April 24, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of April 24, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).

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

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume. I thank the distinguished gentleman from Florida [Mr. GOSS] for yielding me the customary half hour of debate time.

Mr. Speaker, we support this rule. It is an open rule, so Members may offer any amendments that are in order under the standing House rules. Under the rule, priority in recognition for the offering of those amendments may be accorded to Members who have printed their amendments in the CONGRESSIONAL RECORD.

Although we have no objections to the rule itself, many of us believe that the legislation that it makes in order, H.R. 1675, would cause serious harm to our Nation's wildlife refuges, which provide vital habitat for hundreds of species of birds and mammals.

Since the first national wildlife refuge was established at Pelican Island, FL, in 1903, the fundamental purpose of the refuge system has been the conservation of wildlife and natural habitat. This legislation would change that by making hunting, fishing, and other recreational uses a primary purpose of the system as well.

Thus, this bill would, for the first time, direct the U.S. Fish and Wildlife Service to place as much importance on providing recreational opportunities in these refuges as on conserving the resources that make these opportunities possible. The Service, whose budget is already inadequate for its currently mandated responsibilities, would be required to divert its scarce funds away from protecting wildlife, to managing people and their recreational activities. That change would clearly undermine the protection of these valuable reserves.

Recreational activities, including hunting and fishing, are permitted under existing law where such activities are appropriate. Currently, more than half of all of our refuges are open to some form of hunting; in those areas, the Fish and Wildlife Service has determined that animal populations are abundant, and hunting is compatible with wildlife protection. But hunting is not appropriate in all refuges, and therefore should not be presumed to be compatible with the purpose of the refuges, as it would be under this bill.

□ 1345

Mr. Speaker, furthermore, the bill would alter the way national wildlife refuges are established by requiring

Congress to specifically authorize any refuges established using the land and water conservation fund. Only 16 of our more than 500 refuges have been specifically established by legislation, and this new requirement could delay and complicate the process of protecting imperiled wildlife. Fortunately, the House will have the opportunity to change this provision by adopting the amendment that will be offered by the gentleman from New York [Mr. NADLER].

Another drawback of the bill is that it would allow up to 15 years to elapse between reviews of the compatibility of fish-dependent and wildlife-dependent recreational uses, whereas other uses would be required to be reviewed at least every 4 years. The long interval for reviewing hunting and fishing could result in the continuation of activities for many years that are detrimental to the conservation of wildlife.

Finally, the bill would authorize expanded military activities and other potentially damaging Federal activities on wildlife refuges, allowing them to be exempted from the protective standards of the National Wildlife Refuge Administration Act.

For all of these reasons, all the major U.S. environmental protection organizations oppose this legislation. They believe that there should be one clear overriding purpose for our wildlife refuges, and that is the conservation of wildlife and natural habitat.

Mr. Speaker, to repeat: We support this rule, which is an open rule. But we urge Members to oppose the legislation itself.

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

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

Mr. Speaker, I would just simply say in response to my esteemed colleague and friend, the gentleman from California [Mr. BEILENSON], that many of the concerns he has raised on the subject, in fact, will be dealt with in the amendment process, and I, too, am hopeful that we can make some further improvements in this bill through the amendment process and am prepared to do that.

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

Mr. BEILENSON. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I, too, yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the able.

RECESS

The SPEAKER pro tempore (Mr. BURTON of Indiana). Pursuant to clause 12 of rule I, the House stands in recess until 2:30 p.m.

Accordingly (at 1 o'clock and 47 minutes p.m.), the House stood in recess until 2:30 p.m.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCCRERY) at 2 o'clock and 30 minutes p.m.

NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 410 and rule XXIII, the Chair Declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1675.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1675) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will control 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, as the author of H.R. 1675, I am pleased that the House is considering this important legislation, which would be the first comprehensive reform of our refuge law since the enactment of the National Wildlife Refuge System Administration Act of 1966.

I am also grateful that the author of that historic law, Congressman JOHN DINGELL, and a number of other distinguished Members including the co-chairman of the House Sportsmen's Caucus, PETE GEREN, and the chairman of the Subcommittee on Fisheries, Wildlife and Oceans, JIM SAXTON, have joined with me in this bipartisan effort. Their contributions and input into this legislation have been invaluable.

Our Nation's Wildlife Refuge System, which was created by President Theodore Roosevelt more than 90 years ago, provides both essential habitat for hundreds of species and recreational opportunities for millions of Americans. At present, the system is comprised of 508 refuges, which are located in all 50 States and the 5 U.S. Territories. These units, which cover some 91 million acres of Federal lands, range in size from the smallest of less than 1 acre to the largest, the 19.3-million-acre Arctic National Wildlife Refuge.

Regrettably, in recent years the public's confidence in our refuge system has been shaken by arbitrary decisions made by refuge managers; the diversion of funds to other higher profile issues; the elimination of all existing uses on newly acquired lands; lawsuits designed to prohibit certain secondary uses on a refuge; and the lack of either a vision or a comprehensive plan on how our refuge system will be managed in the future.

H.R. 1675 is the product of several years of hard work, countless meetings with various interest groups, and extended negotiations with the Departments of Interior and Defense. The bill was the subject of an extensive public hearing and was favorably reported by voice vote by both the subcommittee and the full Resources Committee, with only 5 Members filing dissenting views.

This legislation is a modest, proactive conservation measure that has been carefully refined to address most of the concerns raised by the Clinton administration.

While I will later discuss the substitute proposal in detail, it is time we had a statutory list of purposes; a definition of what is a compatible use; allow existing wildlife-dependent recreational uses to continue on new refuge lands unless they are found to be incompatible; a conservation plan for each refuge; and clarification that fishing and hunting should be permitted unless a finding is made that these activities are inconsistent with sound fish and wildlife management, the purpose of the refuge, or public safety.

Furthermore, it will strengthen the management of the refuge system and it implements a better, more uniform system-wide planning and compatibility review process. This had been a goal of the environmental community for some time.

While H.R. 1675 does not attempt to solve all of the problems facing our refuges, it will ensure that the system is effectively managed, that essential habitats are protected, and that the American people have an opportunity to fully utilize those Federal lands that are paid for with their tax dollars, their entrance fees, and from purchases of duck stamps.

This is a sound piece of legislation. It is supported by many groups, including the American Sportfishing Association, the California Waterfowl Association, the Congressional Sportsmen's Caucus, the International Association of Fish and Wildlife Agencies, the New Jersey Federation of Sportsmen, the National Rifle Association, and the Wildlife Legislative Fund of America. This bill will ensure that our refuge system has the support of the American people into the 21st century.

Finally, a word of caution. I know there are Members who would like to see H.R. 1675 become a vehicle to solve a whole range of problems in individual

units, including mosquito abatement, public health, and additions or deletions of land from existing refuges. While these changes may have merit, I would hope they would not be offered to this measure but instead the sponsors would allow the Resources Committee to fully review them.

Mr. Chairman, at the appropriate time I intend to engage in a colloquy with the co-author of this bill, JOHN DINGELL, on the issues of open until closed refuge lands and water rights. I am confident that this clarification and the substitute will remove most, if not all, of the confusion about the scope of this measure.

It will also restore the fundamental goals of H.R. 1675, which are to conserve, manage, and recover wildlife and to ensure that Americans have an opportunity to participate in compatible wildlife-dependent recreation.

I urge the adoption of H.R. 1675.

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

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

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I would certainly support improvement of the National Wildlife Refuge System if it really needed it, but it does not.

Much of the momentum behind this bill has been generated by sporting groups that seek to elevate the role of hunting and fishing off our National Wildlife Refuges. Now, the plain truth is that hunting and fishing are already allowed on more than half of the 508 wildlife refuges and on more than 94 percent of the 92 million acres of the System. I respectfully submit that is a lot of hunting and fishing.

Moreover, President Clinton, far from closing refuges to hunting and fishing, on March 25 issued an Executive order reaffirming the administration's commitment to a diversity of recreation of refuge lands so long as it is compatible with the longstanding primary purpose of the Refuge System—fish and wildlife conservation.

Some were fearful that the administration's settlement of a lawsuit regarding the compatibility of secondary uses of the refuges would result in restrictions on sporting activities. After reviewing more than 1,000 activities throughout the System, not one wildlife refuge was closed to hunting.

In fact, the Clinton administration has opened more refuges to hunting and fishing in its first 2 years than did the Bush administration during its last 2 years.

So, this legislation attempts to fix a problem that does not exist. And along the way, it actually undermines the ability of the wildlife management professionals of the Fish and Wildlife Service, with whom the job is properly left, to manage the many competing public uses of the National Wildlife Refuge System. This bill is not an improvement. It is bad for the wildlife, and that is ultimately bad for the sportsmen and sportswomen whose activities depend on abundant wildlife populations.

In addition, the bill contains provisions which will create overly broad exemptions for military activities on wildlife refuges, and strip refuges of reserved water rights.

The substitute before the House fortunately drops a provision included by the Resources Committee to allow harmful pesticides to be used on refuges lands leased by farmers. That is a positive step, although the same provisions were contained in the long-term CR recently passed by the House and Senate. There were some other changes made that were mostly cosmetic and do not address the fundamental problems with the bill.

I am also aware that the gentleman from New York [Mr. BOEHLERT] will offer en block amendments to the bill. While I applaud the gentleman's efforts to improve the bill, these amendments do not do the trick either.

No, the problems with this bill are much more fundamental. As Secretary of the Interior Bruce Babbitt said to Chairman YOUNG in an April 23 letter concerning this bill: ''This bill is not the right way to celebrate Earth Week or the environment.''

The President has addressed the legitimate concerns about hunting and fishing in our refuges. There is an appropriate balance between wildlife conservation and public recreation. That balance already exists in our National Wildlife Refuge System. This bill will upset that delicate balance. I urge my colleagues to oppose H.R. 1675.

Mr. Chairman, I include for the RECORD the statement of administration policy on H.R. 1675.

STAEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 1675—NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT (REP. YOUNG (R) AK AND 27 COSPONSORS)

If H.R. 1675, as reported by the Rules Committee (the Young substitute amendment), is presented to the President in its current form, the Secretary of the Interior will recommend that he veto the bill.

H.R. 1675, as reported by Rules Committee (the Young substitute amendment), would greatly weaken the U.S. Fish and Wildlife Service's ability to protect the National Wildlife Refuge System from harmful activities. The Young substitute amendment does not address many of the bill's fundamental problem and creates significant new problems by:

Eliminating consideration of the ''public interest'' in opening wildlife refuges to recreational interests.

Establishing an unneeded exemption process to facilitate expanded military use of refuge lands, despite no showing that military needs are not currently being accommodated.

Calling into question the validity of existing reserved water rights of individual refuges and thus undermining the ability of the Service to provide suitable habitat for the species on such refuges.

Allowing some present and future refuges to be transferred to the States as ''coordination areas'' to be managed free from the provisions of refuge law.

Restricting the needed expansion of the System by imposing new limits on the use of the Land and Water Conservation Fund monies for refuge acquisition.

Elevating certain public uses of refuges, including hunting and trapping, into purposes of the System.

Compromising the process for determining whether certain recreational uses are compatible with refuge purposes and should be allowed at any given refuge.

Waiving refuge law to allow the dumping of chemicals into aquatic habitats on refuges in order to kill certain nuisance species.

☐ 1445

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SAXTON].

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

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

Mr. Chairman, some opponents of this bill would like everyone to believe that its only purpose is to permit fishing and hunting in our National Wildlife Refuge System. This is simply not true. This is a comprehensive bill that will improve and enhance wildlife management of the national wildlife refuges throughout our entire country.

This bill addresses a broad range of concerns expressed in a variety of Government reports going back 25 years about the need for better, more uniform system-wide management of refuges. For the first time, this bill establishes a system-wide mission statement. Those purposes include not only compatible fish and wildlife oriented recreation, including fishing and hunting, it also includes wildlife observation and environmental education and also conservation management, restoration of fish and wildlife, the preservation of endangered species and the implementation of the international treaty obligations regarding fish and wildlife.

Those are a broad-ranging set of objectives that this reform bill has inherent within it. The bill also gives the Secretary of the Interior comprehensive direction on the administration of the system and establishes a management planning process that will be uniform throughout the system, something that has been sorely needed in my opinion for many years.

It assures public involvement in the planning process and requires that those plans be reviewed at least every 15 years. One aspect of the bill that I believe is critically important is the requirement that refuges remain open until closed. Let me explain why I believe this section of the law is critically important.

Under the system which currently exists, as refuges expand or as new refuges are created, the minute the Fish and Wildlife Service or the Federal

Government takes title to land, it is closed to all wildlife-related public uses. I do not believe that it is anyone's intent that that happen.

We changed the provisions so that, when the Fish and Wildlife Service assumes title and assumes, therefore, the management of new lands, that these historic wildlife-related uses continue to occur until a management plan is adopted. This is a very important change because in some areas of the country, the refuge system, which at one time enjoyed almost unanimous public support, today the system does not enjoy and the plans do not enjoy unanimous public support because the minute someone, the minute the refuge system acquires additional land, it is closed to hunting and fishing and bird watching and any other use that is related to wildlife pursuits. So this bill, I believe, is important for that reason and it should be considered, I think, one of the very important provisions.

This bill also codifies the existing regulatory definition of ''compatible use'' that the Fish and Wildlife Service has obviously used for many years. The committee expects that there will be some wildlife refuges, particularly in urban areas, that will not be appropriate settings for all forms of wildlife-dependent recreation. Therefore, there is no reason to believe that this measure will greatly change the current management system.

Finally, this bill establishes a broad goal of wildlife protection for our refuge system, establishes purposes that reflect the current goals of the system, institutes a long overdue systemwide comprehensive planning process, and assures that taxpayers who purchase the refuge lands can utilize them in many legitimate ways.

This bill merits your support, and I obviously think that everyone should vote for it. I would just conclude, Mr. Chairman, by mentioning that there are a broad, a large number, a broad array of organizations that support this bill. For example, let me just read some of them, the American Sportfishing Association, the California Waterfowl Association, Congressional Sportsmen's Foundation, Foundation for North American Wild Sheep, the International Association of Fish and Wildlife Agencies, the Mzuri Wildlife Foundation, the National Wild Turkey Federation, the New Jersey Federation of Sportsmen, the North American Waterfowl Federation, Quail Unlimited, the Ruffed Grouse Society, Safari Club International, Wildlife Forever, and the Wildlife Legislative Fund of America.

Mr. Chairman, I think that these organizations know that this is a good bill. I believe it is a good bill. I incidentally think it will even be enhanced by the Boehlert amendment when it is offered. I urge everyone to support the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from California mentioned the fact that there was a statement from the administration opposing my bill. I am amazed. I cannot believe that, because four of the things that they are opposing my bill on, two of them were their language.

One was on establishing an unneeded exemption process to facilitate expanded military use of refuge lands, despite no showing that military needs are not currently being accommodated. That is their language.

The other one is calling into question the validity of existing reserved water rights. We did not even talk about water rights. Then we have two of them that they are objecting to the gentleman from New York [Mr. BOEHLERT] is going to solve in his amendment, and we agreed to accept that amendment. Of course, the one thing that bothers me the most is that they are opposed to hunting. They are also opposed to fishing. By Executive order the President says, no, I am all for this, but it is by Executive order. What we are trying to do is revive and establish what refuges were set up for and by whom and who supports them.

All the refuges that I have served under in 24 years were created with the full support of the fishermen and the hunters and the recreation users. Now we are having managers say, no, you cannot fish in Arkansas, because we believe that the way you fish is wrong so fishing is closed. This is by a manager. I talked to Mollie Beattie. She says I cannot override the manager's position.

Then we have a case in Oklahoma where a manager, this refuge was created for migratory waterfowl and they managed it for migratory waterfowl by planting crops that would be something for the geese and the ducks as they flew down the byway to eat. The manager said, no, this is not natural. We will not plant this food so they can eat. And around the refuge the farmers were still farming so all the ducks and geese went to the farms outside the refuge so there is no longer any birds in the refuge. This is all documented.

But now the same manager says, oh, by the way, fishing is prohibited on this refuge because it might interfere with the waterfowl. Wait a minute. Where are the waterfowl? Off the refuge because they stopped growing feed. So the fishermen are terribly upset. The hunters are upset. The birds are upset. And the refuge has no support. And when the people stop supporting refuges, there will be no more refuges, nor the existence will not be funded.

I am asking for passage of this legislation so that the sportsmen of America, the little child that has a cane pole, the person in the wheelchair that goes out on the dock and tries to catch a fish has an opportunity to do so and not letting one person arbitrarily say, no, you cannot do it because I do not think it is compatible.

All this bill does is set a criteria and allows uses, as long as they are compatible, to take place. And it takes away the discretion of a manager to arbitrarily impose his philosophy upon a refuge that was created for other reasons.

If he decides to try to do that, he has to justify and prove that it is not compatible. If it endangers the public, yes; if it endangers a species, yes; if it in fact does some harm, he has that latitude. But if there is not a reason, then he cannot disallow it.

So this is what this bill is all about. It is unfortunate that this administration for some reason is against the American sportsmen. They do not support the American sportsmen and do not let anyone say they do just because the President goes on to an area to shoot 1 duck, and by the way he missed 42. He might be called a conservationist. Do not let the American sportsmen be fooled by this position.

What they want is to eliminate what the original refuges were set up for, the purposes of them. And in fact, they do not recognize the danger of not having the support by those people.

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

Mr. MILLER of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Chairman, I rise in strong support of H.R. 1675. I want to congratulate Chairman YOUNG and Mr. DINGELL for putting together a bipartisan piece of legislation. Additionally, I am encouraged that this is a clean bill and one that recognizes all the traditional recreational uses of our refuges as purposes.

The original principal behind the establishment of our wildlife refuges was to ensure the viability and health of wildlife populations. H.R. 1675 recognizes this principal by adopting five purposes: First, conserve and manage fish, wildlife, plants and their habitats; second, preserve, restore and recover endangered or threatened species; third, fulfill international treaty obligations; fourth, conserve and manage migratory birds, anadromous fish, and mammals; and fifth, provide opportunities for compatible wildlife-dependent recreation, including hunting, fishing, wildlife observation, and environmental education. Each refuge may adopt all the stated purposes or select just a few, depending on the compatibility of the purpose to the refuge. Under the bill, each purpose must be compatible with the underlying principal of protecting the health of wildlife populations in order to be a purpose at a specific refuge. Under this legislation, the underlying principal will not be compromised.

Some of my colleagues may have concerns because hunting is listed as a purpose of wildlife refuges. First of all, hunting is recognized by the general wildlife science community as a valid wildlife management tool if done in a proper manner. Second, if the refuge manager or the Secretary finds that

hunting is not compatible with a certain refuge, hunting will not be allowed. The reason we have put this language into this bill is to avoid the situation we were faced with a few years ago where hunters were put on notice that they may lose their hunting rights on lands they have always hunted on. Hunters are avid users of refuges—billions of their dollars have gone to wildlife and habitat conservation through excise taxes, licenses, and stamps. It has been estimated that over three-fourths of the lands acquired for the refuge system were purchased through migratory bird conservation dollars through the sale of duck stamps.

As an example, in the 1st District of Arkansas, land was acquired to enlarge the Cache River Refuge. These lands were used for hunting for decades before they were added to the refuge system. It is the ultimate slap in the face to these hunters that they may lose the opportunity to hunt on land they have hunted on for generations and that the land was purchased with their dollars.

Many changes have been made to this bill to address the administration's concerns and I believe that the final bill is a good product. I urge my colleagues to support H.R. 1675.

□ 1500

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support, as the gentlewoman from Arkansas [Mrs. LINCOLN], and I know the gentlewoman is set with twins and that she would be participating in the Sportsmen Caucus, Republican versus Democrat, shootoff on May 6, but I do not think her doctor would let her do that.

Mrs. LINCOLN. That is right; the gentleman is lucky I am not.

Mr. CUNNINGHAM. But she would be there, I understand, and I speak as one of the new cochairmen for the Sportsmen Caucus along with the gentleman from Tennessee [Mr. TANNER], and the Sportsmen Caucus is founded to support the rights of fishermen and families that are interested not only in conservation, in the environment as far as fishing and hunting and a national treasure that we have enjoyed over a lifetime.

This is a pro-environment bill, although there will be some that say it is not, and I think what we need in this body is more of a middle-of-the road kind of direction instead of those that want to pave over the world, like those groups like Earth First, Earth Island, in which the Unabomber's manifesto was drafted and the extremist groups and special-interest groups on both sides, and I think that this bill tries to come somewhat in the middle.

Mr. Chairman, I would say to my colleagues that there is a very good Jewish proverb that was born out of the movie called ''Jazz Singer,'' and I am old enough, like the gentleman from Alaska [Mr. YOUNG], the chairman, to remember a guy named Al Jolson, and later Neil Diamond played in a movie, and it is about a father who has lost his son, not to a death but because of an argument, and the Jewish proverb goes like this:

The father says, ''Son come home. We have argued too long.''

And the son replies, ''Father, I cannot. There has been too much between us.''

And the father's reply to his son is, ''Son, come as far as you can, and I will come the rest of the way.''

I think this bill comes the rest of the way and meets somewhere in the middle, and we would ask our colleagues from both sides of the aisle to make that distance in between because that is the intent.

We are trying to protect a long history of the ability of people to use recreational areas, to hunt to fish, to look at birds, to preserve the environment and conserve. And if you take a look at those groups like Sportsmen Caucus, those are the groups that have provided, for example, the duck and the wetlands up in Canada. The species would be almost totally eliminated if they had not purchased the land that will allow the nesting of our migratory birds. And all of those efforts have come about from the Sportsmen Caucus-type groups and have actually enhanced our environment.

The environmental groups opposing this will claim that unlimited hunting and fishing will occur on all refuges. This is not true. This is not the case. The bill provides the U.S. Fish and Wildlife Service with the option to disallow hunting on refuges if it is decided that these activities pose a treat to public safety or conservation purposes of the refuge.

What it does do: It eliminates an individual with a certain agenda at the head of each of these refuges from making an arbitrary decision to just cut off recreational use, and we think that this is wrong. I believe that that is median policy and, I think, can be supported, and I think will be supported, just like the gentlewoman from Arkansas and my friend, the gentleman from Tennessee [Mr. TANNER]. It establishes conservation plans for each of the 504 refuges within 15 years.

Mr. Chairman, the bill is the first significant refuge reform bill considered by Congress since 1966. I would ask my colleagues to support it.

I look back when I grew up. I lost my dad about a year and a half ago, but I can still remember as a youngster going to Swan Lake in Missouri and hunting with my dad and fishing. I can remember just recently going over with my dad to the Imperial Valley at Wooster and doing the same thing, and I got some duck mud between the toes of both of my daughters, and I would like to be able to continue that because I think that communication between father and son and father and daughter and grandfather, which also takes some hunting, is very important to the tradition of this country.

I thank the chairman for sponsoring the bill and supporting it, and I ask an ''aye'' vote on it.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I came down mostly because I wanted to be able to say for the only time in the 9 years I have been in Congress that I think that the gentleman from Alaska [Mr. YOUNG] and the gentleman from Michigan [Mr. DINGELL] are right in their joint effort in legislation, and I intend to support them. I will probably never have an opportunity to utter that sentence again, the reason being the context here and one that has been overlooked in the course of the previous discussion, which has been more of a discussion than a debate because of the wide range of support behind this legislation.

But the fact that since 1966 we have had no review of the means by which we make conservation and comprehensive planning is in and of itself somewhat disgraceful.

Imagine if our foreign policy were conducted by diplomats who were basing their 1996 on their 1966 views. Imagine if we had economists who were sitting there projecting the manner in which they have projected 30 years ago. The answer is through everything from propagation programs that have been able to save some endangered species. In my own State of Louisiana, believe me, what was the endangered alligator species is now a fulfillment of what was a common expression that ''you are up to your you know what in alligators.'' That is now both literally and figuratively true because of efforts made in wildlife refuges and accomplished in Camden and Vermillion Parish.

The second thing is, as my colleagues know, nature does not adhere to legislation even, regulations. That would probably astonish some bureaucrats to believe there is a force higher than they are, but nature itself sometimes does things like hurricanes, reroutes canals, uproots trees, moves levees. If we do not have comprehensive planning that also is revisited and adjusted, then we are going to do great untold harm to neighboring communities, to fish, to wildlife, and all the public.

So for that reason I think you see such a wide array of those of us who serve in the House and who may disagree on how to get to some end results supporting the same vehicle here today, and it is truly unfortunate that the Secretary of the Interior does not reflect that same wide range and broad-based support.

I would hope that he would read the bill. I would hope that he would indeed urge the President to sign the bill rather than urge him to veto it. For that reason he would do untold good to not only those who are here today voting but to the future generations of all Americans.

Mr. MILLER of California. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I thank my good friend the gentleman from California [Mr. MILLER] for his kindness in yielding me this time.

Mr. Chairman, I thank my good friend the gentleman from California [Mr. MILLER] for his kindness in granting me this time.

I want to pay tribute to the gentleman from Alaska [Mr. YOUNG], my good friend, the chairman of the committee, with whom I have worked very hard on this legislation.

I would like the House to know that this is good legislation, and I would like to tell them a little bit as to why.

In my young days between about 1966 and about 1974, I was chairman of a little subcommittee called the subcommittee on fisheries and wildlife conservation. It was one of the components of the Committee on Merchant Marine and Fisheries. It had jurisdiction overall of the national refuge system. And during that time we wrote the National Wildlife Refuge System Act of 1966.

Since that time I have also served for 26 years as a Democratic Representative of the House to the Migratory Bird Conservation Commission, which is in charge of buying land for the migratory bird refuge system, and in that time the Nation has acquired over 600,000 acres of habitat for the protection of migratory birds and other wildlife. This is a great treasure and one of my principal purposes has been to protect it to assure that it would not be destroyed or dissipated. Indeed one of the early things which we confronted was an attempt by the then-Secretary of the Interior McKay to dissipate the entirety of the refuge system. That was brought to a halt, and, as a result of that, the Refuge Administration Act was put together. This legislation has been called the best piece of public land management legislation ever.

Some 30 years now after that was done, I am proud to see the accomplishments which have taken place as a result of that bill. The system is now providing well-managed habitat for the protection of resident and migratory species. It is also helping to recover threatened and endangered species. It is contributing to the diversity of refuge areas, and it is serving for all of the people much more traditional and wildlife-related purposes, such as hunting, fishing, and wildlife observation.

It is a system which, I would remind my colleagues, is funded in the largest part by the contributions of the hunters of this Nation who, by their purchase of duck stamps, make it possible for this Nation to acquire the lands which are set aside forever as a part of the refuge system. It is important to recognize then the inequal part that our Nation's hunters and fishermen pay—play in providing constant support for the expansion and the maintenance of our refuge system.

America's sportsmen and sports women provide this help not only with their votes but also through the purchase of duck stamps, a substantial portion of the public dollars then which are expended in support of the refuge system.

A few weeks ago the President expressed his support of the sportsmen community by issue of executive order. It recognizes supporting uses as a priority use of the system, and this is one of the reasons that we are able to sustain that system and to encourage patriotic sportsmen, hunters, outdoors men and women for contributing to the system.

Now, I have hunted with the President, and I know of his strong interest in our refuge systems, and I am pleased that he took the initiative with this executive order. It is my hope that he will see the merits of the legislation here which codifies much of that order.

H.R. 1675 is the result of some long-sought legislative improvements in the refuge system. For many years, environmentalists and sportsmen and women have called for an organic act which lays out clear purposes of the system and requires the completion of the conservation management plans for each refuge. A number of studies by the General Accounting Office and the Fish and Wildlife Service have found many problems in our refuges. These problems range from overuse to toxic contamination to a lack of proper funding and proper management. H.R. 1675 is the result of thorough examination of these problems and an attempt to make improvements of the management of the system which will require better planning, compatible uses, and a clear identification of the purposes of the system.

Chairman YOUNG last year talked to me about cosponsoring this legislation. I agreed to do so so that this body could give the Fish and Wildlife Service the tools that it needs to do the job.

□ 1515

In fact, I decided to cosponsor this bill only after consulting with the Fish and Wildlife Service and being convinced that the bill is in the best interest of the National Wildlife Refuge System and the wildlife that it protects.

I want to commend again the distinguished gentleman from Alaska for his leadership in this. This is a good bill. It is one which will make progress in terms of protecting the refuge system and one which will make real progress in terms of protecting the wildlife that are dependent upon it, and in assuring that we can continue the public support which has made possible the success of one of the greatest systems of public lands and the greatest systems of public land management for an important national purpose, and that is the protection of wildlife.

There is no doubt that this bill has, I would observe, some reservations. I have worked for several months with the Fish and Wildlife Service, the Interior Department, the Council on Environmental Quality, and other organizations to address problems that they have brought to my attention. I would observe that in each instance my good friend from Alaska has been most helpful in addressing those concerns.

Now, one major source of concern is the question of hunting and wildlife-dependent recreation on the system. Well, first of all, under this legislation no hunting and no refuge use can take place which is inconsistent with the purposes for which this system is set up.

Remember, this system is set up and paid for in good part by the hunters of America who contribute to this. I would observe that the critics of this bill have probably in toto contributed nothing to the purchase of refuge system lands over the years. I think that tells us a great deal, that people who love it enough to put their money where their mouth is are the hunters and the sportsmen. They will use this, and they will use it in a fashion which is consistent with the purpose of the refuge and in a fashion which is consistent with the best interests of not only the habitat but also the wildlife.

I would urge my colleagues to support this legislation, to understand that basic good sense and basic hunting, not only as a purpose of the refuge but also as a device for the management of the wildlife there, makes the best of good sense. This is a good piece of legislation. I urge my colleagues to support it. I tell the Members, both as a hunter and a conservationist and as one who has authored much of the legislation that relates not only to the refuge system but protection of the environment, that this is good legislation. I urge my colleagues strongly to support it. It is in the public interest, it is in the interest of the refuge system, it is in the interest of the wildlife, and future generations will thank us for passing this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Alaska [Mr. YOUNG] has 9 minutes, and the gentleman from California [Mr. MILLER] has 15 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Chairman, I think that whenever the U.S. Congress passes legislation, they should keep several important things in mind which I am going to describe. I think those things that enhance legislation in this House, which enhance laws, are present in this legislation.

First of all, I think with the amendments by the gentleman from New York [Mr. BOEHLERT], this legislation will improve existing law.

No. 2, this legislation provides a structure which will enhance local

managers' ability to work much more closely with the State government, with the local government, with private landowners, with environmental groups, with anybody that has any kind of an interest in America's wildlife refuges.

No. 3, this particular legislation continues to give local managers the flexibility they need to provide what they feel is necessary to manage wildlife in any way that they think is conducive for their conservation.

I want to make a comment to an earlier statement by the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM described the story where a father and son had a falling out, and the father called the son and said, ''Let's get together.'' The son said, ''I can't, there is too much between us''. Then Mr. CUNNINGHAM said the father told the son, ''Just come as far as you can go, and I will go the rest of the way''.

If we want to legislate good laws for this country, then this particular piece of legislation, I might add to the gentleman from Alaska [Mr. YOUNG], this particular piece of legislation brings opposing forces together. Each side has come just as far as they can go and there has been a compromise.

If we are going to be successful in managing the Nation's resources, then this type of discussion, this type of debate, this type of legislation is the kind of example that we need to show to our constituents and we need to show to our Nation. So I would urge the Members that this is a good bill. We should vote for this bill.

I want to compliment the chairman of the Committee on Resources for his work.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

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

Mr. BREWSTER. Mr. Chairman, I rise today in support of H.R. 1675, the National Wildlife Refuge Improvement Act. This bill clarifies the original intent of the National Wildlife Refuge System Administration Act of 1966.

That intention being: wildlife based recreation, including hunting and fishing, being a primary purpose of the system.

As many of you know I am an avid and responsible sportsman. This legislation erases 30 years of over zealous regulation by the Fish and Wildlife Service. It is high time we give back the refuge system to the people—not to the Government.

It is becoming harder and harder for individuals to enjoy the sports of hunting and fishing. Most people don't have the ability to own private land for these activities.

H.R. 1675 brings wildlife-dependent recreation back as one of the primary goals of the refuge system.

Our refuge system is in dire need of reform, and this is the vehicle in which it can be accomplished.

H.R. 1675 has bipartisan support including wildlife conservation groups, and State fish and wildlife agencies.

I urge my colleagues to vote ''yes'' on H.R. 1675.

PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Chairman, I have a parliamentary inquiry. Just for the sake of a clarification so I know whether I can yield back or not, can the Chair advise me with respect to the Nadler amendment? Must that be offered prior to?

The CHAIRMAN. the Nadler amendment was printed in the RECORD. Prior to what?

Mr. MILLER of California. The question is, is that impacted by the Boehlert amendment? I do not know if the gentleman from New York [Mr. BOEHLERT] is going to offer his amendment now.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman from New York [Mr. BOEHLERT] will be offering his amendment.

The CHAIRMAN. Under the rule, the amendment of the gentleman from New York [Mr. BOEHLERT] was not printed in the RECORD. The amendment of the gentleman from New York, Mr. NADLER, was printed in the RECORD, and under the rule, Mr. NADLER could have priority of recognition.

Mr. MILLER of California. Mr. Chairman, can the gentleman from Alaska sing for 5 minutes? We are looking for the gentleman from New York [Mr. NADLER]. I think I need to protect his rights to offer his amendment. Maybe the gentlewoman from Arkansas can offer her amendment.

Mr. YOUNG of Alaska. If the gentleman from California will yield back the balance of his time.

Mr. MILLER of California. That is what I am trying to determine.

Mr. YOUNG of Alaska. I yield back the balance of my time. I will have the gentlewoman's amendment made in order right off the bat.

Mr. MILLER of California. Then we will do the Nadler amendment and the Boehlert amendment.

Mr. YOUNG of Alaska. Whatever is right. I will do hers.

Mr. MILLER of California. I thank the Chair for indulging our concerns. The gentleman from New York [Mr. NADLER] is here.

Mr. ACKERMAN. Mr. Chairman, I rise this evening to stand together with my colleagues in commemoration of the Armenian genocide of 1915–23. Eighty-one years ago, while Europe was embroiled in war and the Ottoman Empire was crumbling, a concerted campaign to eradicate the Armenian people began. In the course of 8 brutal years, at least 1.5 million Armenian men, women, and children were massacred.

What was the reason behind this deliberate and calculated effort to destroy any Armenian presence in Turkey? We will probably never know. The official Turkish Government position is that, during World War I, a series of internal conflicts contributed to the unfortunate deaths of many Armenians. In my opinion, that symbolizes a categorical denial of what really happened. It is the denial of an event that has been documented by scholars the world over. That denial is disrespectful to the memories of those that perished, those that survived, and to the civilized world. Quite simply, it is reprehensible. As a Jewish Member of Congress, and a human being, I cannot stand idly by while this denial continues to be perpetrated.

It has been said that when Adolf Hitler was planning the Final Solution to the Jewish problem, he recalled the international reaction to the Armenian genocide: ''Who remembers the Armenians?'' he offered. In the same vein, who then would stand up for the Jews and remember them? Well, we do remember that Holocaust, as well as the innocent victims of the Armenian genocide, and we will continue doing so, that it may never happen again.

The Armenian genocide was the first of the 20th century, but because the world did not learn its lesson, we were forced to endure the horrors of the Jewish Holocaust. Therefore, we have pledged, and stand together, as Jews, as Armenians, as people, that we will never allow this kind of tragedy to befall us again.

I thank my colleagues, Congressmen JOHN PORTER and FRANK PALLONE, for leading this effort in the House of Representatives, and am proud to be a member of the Armenian Issues Caucus in order to work on this issue of concern to all human beings.

Mr. MATSUI. Mr. Chairman, I rise to express my support for the amendment offered by my colleague from New York, Mr. NADLER. I strongly agree that we must eliminate the provisions of this legislation that would require specific congressional authorization for the creation of new national wildlife refuges.

It is clearly the case that Congress ought to be involved in decisions about the creation of wildlife refuges. In fact, we are already intimately involved in this process. Federal purchase of lands for any wildlife refuge—whether the refuge is new or already in existence—cannot occur unless the Interior appropriations bill specifically allocates funding from the Land and Water Conservation Fund for this purpose.

However, this bill goes too far in requiring that authorizing legislation be approved before a wildlife refuge can be created. Such a requirement would sharply limit the creation of wildlife refuges—taking away from the Federal Government a key tool in protecting critically important lands and wildlife in a manner that imposes very limited regulatory burdens.

If this bill had been in effect in 1992, it could potentially have prevented the creation of the Stone Lakes National Wildlife Refuge in southern Sacramento County. Stone Lakes is a fine example of the opportunities that the National Wildlife Refuge System presents for cooperative, voluntary environmental protection. Since the creation of the refuge, the Fish and Wildlife Service has acquired approximately 800 acres from willing sellers and is in the process of arranging the donation of an additional 1,400 acres for the refuge. The agency is also working to develop cooperative land management agreements with other governmental bodies that own some 5,500 acres within the refuge boundaries.

Through these arrangements, the Federal Government is maximizing environmental benefits while minimizing its costs as well as impacts on private property owners. The benefits are tremendous. The site is a key link for the

migratory birds that inhabit California's Central Valley. In addition, Stone Lakes is already a part of nonregulatory solutions to the challenge of species and resource protection—serving as a mitigation site for wetlands and endangered species preservation. Finally, the proximity of this rich resource to the urbanized Sacramento area provides an invaluable opportunity for area residents to enjoy the refuge's benefits.

Stone Lakes exemplifies the possibilities of the National Refuge System. This bill makes a grave mistake in creating major obstacles for the creation of similar sites elsewhere in the country. I strongly oppose these provisions and urge their removal from the bill.

Ms. ESHOO. Mr. Chairman, earlier this month, I held eight townhall meetings throughout my district to celebrate Earth Day and listen to what people think about how this Congress is handling the environment.

Time and time again, I heard people say that they strongly favor measures to preserve our natural heritage and oppose efforts by Republican leaders to gut important conservation laws, like the National Wildlife Refuge Act that we're now considering.

This bill will open up national wilderness areas to hunting and fishing, as well as make it more difficult to establish new refuges.

This underscores why other environmental legislation we passed earlier this week was a mere figleaf to hide what the majority in the House do not want the American people to see—its unrelenting assault on our clean air, clean water, clean drinking water, and wilderness areas.

No wonder Bob Herbert wrote in last Friday's New York Times that when you free associate about Republican leaders on the environment, ''life-affirming'' is the last term that comes to mind.

Mr. Speaker, this week, while people in my district and throughout the Nation are stressing the importance of protecting the environment, Republican leaders are once again rejecting the American value of conservation. I urge my colleagues to vote no on the National Wildlife Refugee Act.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD on April 16, 1996, and numbered 1 shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; REFERENCES

(a) SHORT TITLE.—This Act may be cited as the ''National Wildlife Refuge Improvement Act of 1996''.

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or provision of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds the following:

(1) The National Wildlife Refuge System is comprised of over 91,000,000 acres of Federal lands that have been incorporated within 508 individual units located in all 50 States and our territories.

(2) The System was created to conserve fish, wildlife, and other habitats and this conservation mission has been facilitated by providing Americans opportunities to participate in wildlife-dependent recreation, including fishing and hunting, on System lands and to better appreciate the value of and need for fish and wildlife conservation.

(3) The System is comprised of lands purchased not only through the use of tax dollars but also through the sale of Duck Stamps and refuge entrance fees. it is a System paid for by those utilizing it.

(4) On March 25, 1996, the President issued Executive Order 12996 which recognized ''wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the Refuge System''.

(5) Executive Order 12996 is a positive step in the right direction and will serve as the foundation for the permanent statutory changes made by this Act.

The CHAIRMAN. Are there any amendments to section 2?

If not, the clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 5 (16 U.S.C. 668ee)—

(1) is redesignated as section 4; and

(2) as so redesignated is amended to read as follows:

The CHAIRMAN. Are there any amendments to section 3?

Mr. YOUNG of Alaska. Mr. Chairman, instead of going through all the sections, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

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

''SEC. 4. DEFINITIONS.

''For purposes of this Act:

''(1) The term 'compatible use' means a use that will not materially interfere with or detract from the fulfillment of the purposes of a refuge or the purposes of the System specified in section 4(a)(3), as determined by sound resource management, and based on reliable scientific information.

''(2) The terms 'conserving', 'conservation', 'manage', 'managing', and 'management', when used with respect to fish and wildlife, mean to use, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

''(3) The term 'Coordination Area' means a wildlife management area that is acquired by the Federal Government and subsequently made available to a State—

''(A) by cooperative agreement between the United States Fish and Wildlife Service and the State fish and game agency pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c); or

''(B) by long-term leases or agreements pursuant to the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

''(4) The term 'Director' means the Director of the United States Fish and Wildlife Service.

''(5) The terms 'fish', 'wildlife', and 'fish and wildlife' mean any wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

''(6) The term 'hunt' and 'hunting' do not include any taking of the American alligator (Alligator mississippiensis) or its eggs.

''(7) The term 'person' means any individual, partnership, corporation or association.

''(8) The term 'plant' means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

''(9) The terms 'purposes of the refuge' and 'purposes of each refuge' mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.

''(10) The term 'refuge' means a designated area of land, water, or an interest in land or water within the System, but does not include navigational servitudes, or Coordination Areas.

''(11) The term 'Secretary' means the Secretary of the Interior.

''(12) The terms 'State' and 'United States' mean the several States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the insular possessions of the United States.

''(13) The term 'System' means the National Wildlife Refuge System designated under section 4(a)(1).

''(14) The terms 'take', 'taking', or 'taken' mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill.''.

(b) CONFORMING AMENDMENT.—Section 4 (16 U.S.C. 668dd) is amended by striking ''Secretary of the Interior'' each place it appears and inserting ''Secretary''.

SEC. 4. MISSION AND PURPOSES OF THE SYSTEM.

Section 4(a) (16 U.S.C. 668dd(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(2) in clause (i) of paragraph (6) (as so redesignated), by striking ''paragraph (2)'' and inserting ''paragraph (5)''; and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) The overall mission of the System is to conserve and manage fish, wildlife, and plants and their habitats within the System for the benefit of present and future generations of the people of the United States.

''(3) The purposes of the System are—

''(A) to provide a national network of lands and waters designed to conserve and manage fish, wildlife, and plants and their habitats;

''(B) to conserve, manage, and where appropriate restore fish and wildlife populations, plant communities, and refuge habitats within the System;

''(C) to conserve and manage migratory birds, anadromous or interjurisdictional fish species, and marine mammals within the System;

''(D) to provide opportunities for compatible uses of refuges consisting of fish- and wildlife-dependent recreation, including fishing and hunting, wildlife observation, and environmental education;

''(E) to preserve, restore, and recover fish, wildlife, and plants within the System that are listed or are candidates for threatened species or endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and the habitats on which these species depend; and

''(F) to fulfill as appropriate international treaty obligations of the United States with respect to fish, wildlife, and plants, and their habitats.''.

SEC. 5. ADMINISTRATION OF THE SYSTEM.

(a) ADMINISTRATION, GENERALLY.—Section 4(a) (16 U.S.C. 668dd(a)) (as amended by section 3 of this Act) is further amended by inserting after new paragraph (3) the following new paragraph:

''(4) In administering the System, the Secretary shall—

''(A) ensure that the mission and purposes of the System described in paragraphs (2) and (3), respectively, and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and any purpose of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the purposes of the System;

''(B) provide for conservation of fish and wildlife and their habitats within the System;

''(C) ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located;

''(D) assist in the maintenance of adequate water quantity and water quality to fulfill the purposes of the System and the purposes of each refuge;

''(E) acquire under State law through purchase, exchange, or donation water rights that are needed for refuge purposes;

''(F) plan, propose, and direct appropriate expansion of the System in the manner that is best designed to accomplish the purposes of the System and the purposes of each refuge and to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats;

''(G) recognize compatible uses of refuges consisting of wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the System through which the American public can develop an appreciation for fish and wildlife;

''(H) provide expanded opportunities for these priority public uses within the System when they are compatible and consistent with sound principles of fish and wildlife management;

''(I) ensure that such priority public uses receive enhanced attention in planning and management within the System;

''(J) provide increased opportunities for families to experience wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

''(K) ensure that the biological integrity and environmental health of the System is maintained for the benefit of present and future generations of Americans;

''(L) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the System by other Federal agencies, including those necessary to facilitate military preparedness;

''(M) plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, and to increase support for the System and participation from conservation partners and the public;

''(N) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges;

''(O) ensure appropriate public involvement opportunities will be provided in conjunction with refuge planning and management activities; and

''(P) identify, prior to acquisition, existing wildlife-dependent compatible uses of new refuge lands that shall be permitted to continue on an interim basis pending completion of comprehensive planning.''.

(b) POWERS.—Section 4(b) (16 U.S.C. 668dd(b)) is amended—

(1) in the matter preceding paragraph (1) by striking ''authorized—'' and inserting ''authorized to take the following actions:'';

(2) in paragraph (1) by striking ''to enter'' and inserting ''Enter'';

(3) in paragraph (2)—

(A) by striking ''to accept'' and inserting ''Accept''; and

(B) by striking '', and'' and inserting a period;

(4) in paragraph (3) by striking ''to acquire'' and inserting ''Acquire''; and

(5) by adding at the end the following new paragraph:

''(4) Subject to standards established by and the overall management oversight of the Director, and consistent with standards established by this Act, enter into cooperative agreements with State fish and wildlife agencies and other entities for the management of programs on, or parts of, a refuge.''.

SEC. 6. COMPATIBILITY STANDARDS AND PROCEDURES.

Section 4(d) (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

''(3)(A)(i) Except as provided in clause (ii), on and after the date that is 3 years after the date of the enactment of the National Wildlife Refuge Preservation Act of 1996, the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use.

''(ii) On lands added to the System after the date of the enactment of the National Wildlife Refuge Preservation Act of 1996, any existing fish or wildlife-dependent use of a refuge, including fishing, hunting, wildlife observation, and environmental education, shall be permitted to continue on an interim basis unless the Secretary determines that the use is not a compatible use.

''(iii) The Secretary shall permit fishing and hunting on a refuge if the Secretary determines that the activities are consistent with the principles of sound fish and wildlife management, are compatible uses, and are consistent with public safety. No other determinations or findings, except the determination of consistency with State laws and regulations provided for in subsection (m), are required to be made for fishing and hunting to occur. The Secretary may make the determination referred to in this paragraph for a refuge concurrently with the development of a conservation plan for the refuge under subsection (e).

''(B) Not later than 24 months after the date of the enactment of the National Wildlife Refuge Preservation Act of 1996, the Secretary shall issue final regulations establishing the process for determining under subparagraph (A) whether a use is a compatible use, that—

''(i) designate the refuge officer responsible for making initial compatibility determinations;

''(ii) require an estimate of the timeframe, location, manner, and purpose of each use;

''(iii) identify the effects of each use on refuge resources and purposes of each refuge;

''(iv) require that compatibility determinations be made in writing and consider the best professional judgment of the refuge officer designated under clause (i);

''(v) provide for the expedited consideration of uses that will likely have no detrimental effect on the fulfillment of the purposes of a refuge or the purposes of the System specified in subsection (a)(3);

''(vi) provide for the elimination or modification of any use as expeditiously as practicable after a determination is made that the use is not a compatible use;

''(vii) require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use;

''(viii) require after an opportunity for public comment reevaluation of each fish and wildlife-dependent recreational use when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than in conjunction with each preparation or revision of a conservation plan under subsection (e) or at least every 15 years;

''(ix) provide an opportunity for public review and comment on each evaluation of a use, unless an opportunity for public review and comment on the evaluation of the use has already been provided during the development or revision of a conservation plan for the refuge under subsection (e) or has otherwise been provided during routine, periodic determinations of compatibility for fish- and wildlife-dependent recreational uses; and

''(x) provide that when managed in accordance with principles of sound fish and wildlife management, fishing, hunting, wildlife observation, and environmental education in a refuge are generally compatible uses.

''(4) The provisions of this Act relating to determinations of the compatibility of a use shall not apply to—

''(A) overflights above a refuge; and

''(B) activities authorized, funded, or conducted by a Federal agency (other than the United States Fish and Wildlife Service) which has primary jurisdiction over the refuge or a portion of the refuge, if the management of those activities is in accordance with a memorandum of understanding between the Secretary or the Director and the head of the Federal agency with primary jurisdiction over the refuge governing the use of the refuge.

''(5) Overflights above a refuge may be governed by any memorandum of understanding entered into by the Secretary that applies to the refuge.''.

SEC. 7. REFUGE CONSERVATION PLANNING PROGRAM.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is amended—

(1) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

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

''(e)(1)(A) Except with respect to refuge lands in Alaska (which shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall—

''(i) propose a comprehensive conservation plan for each refuge or related complex of refuges (referred to in this subsection as a 'planning unit') in the System;

''(ii) publish a notice of opportunity for public comment in the Federal Register on each proposed conservation plan;

''(iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

''(iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.

''(B) The Secretary shall prepare a comprehensive conservation plan under this subsection for each refuge within 15 years after the date of enactment of the National Wildlife Refuge Preservation Act of 1996.

''(C) The Secretary shall manage each refuge or planning unit under plans in effect on the date of enactment of the National Wildlife Refuge Preservation Act of 1996, to the extent such plans are consistent with this Act, until such plans are revised or superseded by new comprehensive conservation plans issued under this subsection.

''(D) Uses or activities consistent with this Act may occur on any refuge or planning unit before existing plans are revised or new comprehensive conservation plans are issued under this subsection.

''(E) Upon completion of a comprehensive conservation plan under this subsection for a refuge or planning unit, the Secretary shall manage the refuge or planning unit in a manner consistent with the plan and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.

''(2) In developing each comprehensive conservation plan under this subsection for a planning unit, the Secretary, acting through the Director, shall identify and describe—

''(A) the purposes of each refuge comprising the planning unit and the purposes of the System applicable to those refuges;

''(B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit;

''(C) the archaeological and cultural values of the planning unit;

''(D) such areas within the planning unit that are suitable for use as administrative sites or visitor facilities;

''(E) significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and

''(F) the opportunities for fish- and wildlife-dependent recreation, including fishing and hunting, wildlife observation, environmental education, interpretation of the resources and values of the planning unit, and other uses that may contribute to refuge management.

''(3) In preparing each comprehensive conservation plan under this subsection, and any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act—

''(A) consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies; and

''(B) coordinate the development of the conservation plan or revision of the plan with relevant State conservation plans for fish and wildlife and their habitats.

''(4)(A) In accordance with subparagraph (B), the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans under this subsection. At a minimum, the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, adjacent or potentially affected landowners, local governments, and any other affected parties, together with a statement of the disposition of concerns expressed in those comments.

''(B) Prior to the adoption of each comprehensive conservation plan under this subsection, the Secretary shall issue public notice of the draft proposed plan, make copies of the plan available at the affected field and regional offices of the United States Fish and Wildlife Service, and provide opportunity for public comment.''.

SEC. 8. EMERGENCY POWER; PRESIDENTIAL EXEMPTION; STATE AUTHORITY; WATER RIGHTS; COORDINATION.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is further amended by adding at the end the following new subsections:

''(k) Notwithstanding any other provision of this Act the Secretary may temporarily suspend, allow, or initiate any activity in a refuge in the System in the event of any emergency that constitutes an imminent danger to the health and safety of the public or any fish or wildlife population, including any activity to control or eradicate sea lampreys, zebra mussels, or any other aquatic nuisance species (as that term is defined in section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702)).

''(l)(1) The President may exempt from any provision of this Act any activity conducted by the Department of Defense on a refuge within the System if the President finds that—

''(A) the activity is in the paramount interest of the United States for reasons of national security; and

''(B) there is no feasible and prudent alternative location on public lands for the activity.

''(2) After the President authorizes an exemption under paragraph (1), the Secretary of Defense shall undertake, with the concurrence of the Secretary of the Interior, appropriate steps to mitigate the effect of the exempted activity on the refuge.

''(m) Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of fish and resident wildlife on lands or waters not within the System.

''(n) Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System. Regulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, or management plans.

''(o)(1) Nothing in this Act shall—

''(A) create a reserved water right, express or implied, in the United States for any purpose;

''(B) affect any water right in existence on the date of enactment of the National Wildlife Refuge Preservation Act of 1996; or

''(C) affect any Federal or State law in existence on the date of the enactment of the National Wildlife Refuge Preservation Act of 1996 regarding water quality or water quantity.

''(2) Nothing in this Act shall diminish or affect the ability to join the United States in the adjudication of rights to the use of water pursuant to the McCarran Act (43 U.S.C. 666).

''(p) Coordination with State fish and wildlife agency personnel or with personnel of other affected State agencies pursuant to this Act shall not be subject to the Federal Advisory Committee Act.''.

(b) CONFORMING AMENDMENT.—Section 4(c) (16 U.S.C. 668dd(c)) is amended by striking the last sentence.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to affect—

(1) the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96–487), including those in titles III and VIII of that Act;

(2) the provisions of section 102 of the Alaska National Interest Lands Conservation Act, the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence uses in the Federal courts; and

(3) the manner in which section 810 of the Alaska National Interest Lands Conservation Act is implemented in refuges in Alaska, and the determination of compatible use as it relates to subsistence uses in these refuges.

SEC. 10. NEW REFUGES.

Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88–578, for the creation of a new refuge within the National Wildlife Refuge System without specific authorization from Congress pursuant to recommendation from the United States Fish and Wildlife Service, to create that new refuge.

SEC. 11. REORGANIZATIONAL TECHNICAL AMENDMENTS.

(a) REORGANIZATIONAL AMENDMENTS.—The Act of October 15, 1966 (16 U.S.C. 668dd et seq.) is amended—

(1) by adding before section 4 the following new section:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'National Wildlife Refuge System Administration Act of 1966'.'';

(2) by striking sections 6, 7, 8, 9, and 10; and

(3) in section 4 (16 U.S.C. 668dd), as in effect immediately before the enactment of this Act—

(A) by redesignating that section as section 2;

(B) by striking ''SEC. 4.''; and

(C) by inserting before and immediately above the text of the section the following new heading:

''SEC. 4. NATIONAL WILDLIFE REFUGE SYSTEM.''.

(b) CONFORMING AMENDMENT.—Section 12(f) of the Act of December 5, 1969 (83 Stat. 283) is repealed.

(c) REFERENCES.—Any reference in any law, regulation, or other document of the United States to section 4 of the National Wildlife Refuge System Administration Act of 1966 is deemed to refer to section 2 of that Act, as redesignated by subsection (a)(4) of this section.

AMENDMENT OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER: Strike section 10 (page 23, lines 3 through 10).

Mr. NADLER. Mr. Chairman, I rise today to offer an amendment to protect both the environment and property owners from further government micromanagement.

My amendment seeks to strike from the bill section 10, the provision calling for specific congressional authorization for the purchase of every single new wildlife refuge that uses money from the land and water conservation fund. The current system, which my amendment would retain, allows the use of funds from the land and water conservation fund to establish a wildlife refuge either by a specific act of Congress or by administrative act of the U.S. Fish and Wildlife Service.

Historically, when a refuge is being sought through the administration process, the Fish and Wildlife Service submits a list of proposed purchases to the Congress for our approval through the Interior appropriations bill. Whether a refuge is being purchased due to a specific legislation initiative or administratively, land is purchased at fair market value as determined by approved appraisal procedures according to Federal law.

The land is purchased, Mr. Chairman, only from willing sellers. While the Fish and Wildlife Service does have condemnation authority, it has not acquired land from condemnation for many years and does not have any plans to do so in the future. In fact, the Fish and Wildlife Service states:

Condemnation has been used sparingly throughout the service's land acquisition history. The service recognizes the possible social and economic impacts of acquiring private property by exercising the right of eminent domain and does its utmost to avoid using this approach.

Mr. Chairman, the era of big government is supposed to be behind us. Creating the need for Congress to authorize no specific legislation every single refuge is unnecessary and burdensome. The current process of using land and water conservation funds is working for landowners and for the environment. The landowners, who again are willing sellers, receive fair compensation quickly. In turn, the habitats and animals that are in need of protection receive it in a timely manner.

□ 1530

Adding another layer of bureaucracy, the entire congressional authorization process, to this process, will do nothing but create a backlog of pending purchases of land for refuges. Then while Congress muddles through authorizing each single potential purchase, landowners, willing sellers, would be left waiting for Congress to act to collect the funds to which they are entitled.

While the debate rates on about how to best protect property owners and the environment at the same time, we have in this amendment an opportunity to protect both property owners and the environment by providing a way for the landowner to be fairly compensated and the environment to be protected. I urge my colleagues to protect the property owners who want to sell the land and environment, which needs the land at the same time.

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, purchases made with money from the land and water conservation fund operate differently from virtually every other type of Federal land acquisition. Now, there is a legitimate reason for that. The land and water conservation fund needs to be available for emergencies. I will offer a substitute amendment to address any conceivable emergency situation.

The Nadler amendment goes a step further to extract the Congress from legitimate policy making. I think that goes too far.

The section the gentleman from New York [Mr. NADLER] is amending is already very narrow. The bill would not change the procedures for expanding any existing refuge and, with my amendment, it would not change the procedures for any emergency acquisitions of new refuges. So we are talking about very few cases where the new restriction in section 10 would apply. In those cases, it is perfectly legitimate to exercise congressional oversight. That is what the people send us here for.

I would also add that this discussion is quite hypothetical. Given the budget crunch, the Interior Department is not going to be able to manage much new land in the near future. The administration has projected in its budget that no new refuge land will be acquired in fiscal year 1997.

In short, my amendment takes care of the problem with section 10 of the original bill. Therefore, Mr. Chairman, I urge defeat of the Nadler amendment.

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

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

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding. When the gentleman talked about ''your'' language, he is talking about his language in the en bloc amendments that he is going to offer, is that correct?

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, it is essentially the same language, the 500.

Mr. MILLER of California. What I do not understand, I am looking at two different languages. One deals with the issue of expansion.

Mr. BOEHLERT. The staff will bring that over.

Mr. MILLER of California. The language originally, correct me if I am wrong, it was my understanding that the language in the en bloc amendment that the gentleman was going to offer went with the creation of the refuge in excess of 500 acres. This language that the gentleman is now discussing goes both to the creation and to the expansion.

Mr. BOEHLERT. That is the same language as in my en bloc amendment.

Mr. MILLER of California. The same language in the original. So is the gentleman going to offer his en bloc language to Nadler?

Mr. BOEHLERT. Because of the way this is flowing, the gentleman from New York [Mr. NADLER] is first up, his amendment was printed in the RECORD, so it is timely for me to address his specific amendment.

Mr. MILLER of California. The gentleman would in that event require the Congress' specific authorization for the expansion of an existing refuge?

Mr. BOEHLERT. No, for new refuges in excess of 500 acres, and the expansion of any of those refuges.

Mr. MILLER of California. If one looks at the second to the last line, it says ''create or expand that new refuge.''

Mr. BOEHLERT. That is correct. We are just talking about new refuges over 500 and if you expand those.

Mr. MILLER of California. You are grandfathering all of the existing refuges in?

Mr. BOEHLERT. That is right.

Mr. MILLER of California. They can be expanded without direct authorization. The new refuge, from today forward, if you expand that new refuge, would you require specific authorization?

Mr. BOEHLERT. That is correct.

Mr. MILLER of California. So if there was an inholding of 501 acres, we would have to get a direct authorization from Congress?

Mr. BOEHLERT. That is correct, to expand it.

Mr. MILLER of California. OK. If there is an inholding of 501 acres in an existing refuge, they can do that under the Secretary's discretion in the land and water conservation?

Half the heads are going up and down and half sideways.

Mr. BOEHLERT. None of this applies to existing refuges. What I am suggesting is as we go forward and we develop new refuges, we should have the authority to go and acquire refuges of less than 500 acres just like that, because they are time sensitive. We all know the reasons why. If we go into a massive refuge, in excess of 500 acres, I think then the Congress should have authorizing responsibility and fulfill that responsibility.

The gentleman and I, as so often on these issues, are on the same wavelength.

Mr. MILLER of California. If the new refuge needed to be expanded, it would take a direct authorization?

Mr. BOEHLERT. That is correct.

Mr. MILLER of California. If an existing refuge in existence today needs to be expanded beyond 500 acres, that would not take a direct authorization?

Mr. BOEHLERT. That is correct.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. NADLER

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. NADLER: Strike the text of the amendment and insert instead:

''Strike section 10 and insert instead:

'Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88–578, for the creation of a new refuge having a total area greater than 500 acres or the expansion of a new refuge of any acreage within the National Wildlife Refuge System without specific authorization of Congress pursuant to a recommendation of the United States Fish and Wildlife Service, to create or expand that new refuge. For purposes of this section, a new refuge is a refuge created after the date of enactment of the National Wildlife Refuge Improvement Act.'''.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BOEHLERT. I will not take up more time, because we have already had the argument for the rationale for the amendment in my exchange with the gentleman from California [Mr. MILLER].

The CHAIRMAN. The gentleman will suspend.

The amendment offered by the gentleman from New York is not in order. The gentleman from New York [Mr. NADLER] has a motion to strike. The gentleman from New York may have a substitute.

Mr. BOEHLERT. That is what I asked for. I said I had a substitute amendment.

The CHAIRMAN. The gentleman cannot have a substitute to the Nadler amendment. What the gentleman could do is have a substitute to section 10, and what Mr. NADLER's motion is is an amendment to strike section 10.

PERFECTING AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. BOEHLERT: ''Strike section 10 (page 23, lines 3 through 10) and insert instead:

'Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88–578, for the creation of a new refuge having a total area greater than 500 acres or the expansion of a new refuge of any acreage within the National Wildlife Refuge System without specific authorization of Congress pursuant to a recommendation of the United States Fish and Wildlife Service, to create or expand that new refuge. For purposes of this section, a new refuge is a refuge created after the date of enactment of the National Wildlife Refuge Improvement Act.'''.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the perfecting amendment be considered as read and printed in the RECORD.

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

There was not objection.

Mr. BOEHLERT. Mr. Chairman, once again, the same holds true. I think we have had the discussion, the colloquy I had with the gentleman from California [Mr. MILLER], and I have made the case for the perfecting amendment. I ask that it be considered.

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

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

Mr. NADLER. Mr. Chairman, I would ask the gentleman from New York [Mr. BOEHLERT], and correct me if I am wrong, please, but as I read his whatever kind of amendment it is, if I read the perfecting amendment correctly, if I read the language, it says ''The creation of a new refuge having a total area greater than 500 acres of the expansion of a new refuge of an acreage needs specific Congressional authorization,'' and then it says ''for the purpose of this section, new refuges are refuges created after the date of enactment.''

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, let me stress, the new refuge in excess of 500 acres, that is what I want Congress to have a say on. I want emergency situations taken care of, obviously, with the authority to proceed with 20, 30, 50, 100, 200 acres. Very often they are very time-sensitive. You need to grab the deal when you can get it. We are talking about a sizeable number of acres, 500 or more, where I think the elected body of the people's House should have its say.

Mr. NADLER. Mr. Chairman, if the gentleman will yield further, that may be his intent, but as I read the amendment, I think what it says, and the gentleman may not intend for it to say that, is if next year, without congressional authorization, the Fish and Wildlife Service were to establish a 200-acre refuge, which the gentleman thinks should not need congressional authorization, and 3 years later they decide they want another 20 acres, that is an expansion of a new refuge and they would need authority.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, I think the gentleman is performing a very valuable public service by this colloquy, because we are enlightening future generations with this exchange.

My clear intent is to deal with new refuges of more than 500 acres, and then if you expand them. But the illustration the gentleman just gave us, 200 acres, which they have the authority to acquire immediately right now, if next year in their wisdom they decide to acquire 20 more acres, no problem, you do not have to come up to the people's House to ask our permission to do so. We do not have to have any hearings. We just proceed.

Mr. NADLER. Mr. Chairman, if the gentleman will yield further, I appreciate his explanation, and this is legislative history. But I think Mr. Scalia and the Supreme Court and several others have scant regard for legislative history. I would submit that the plain language of the amendment says very clearly that a new refuge is a refuge created after a given date, and the expansion of a new refuge of any acreage needs congressional authorization. So ''new refuge'' is one of any acreage, 200 acres. If you want to expand it later by 20 more, you need congressional authorization.

That may not have been the gentleman's intent, but that is what it says. This colloquy, as enlightening a it is, I do not think will be regarded by the courts.

I would urge the gentleman, I do not agree with the amendment in any event, but I would urge him, sir, even to effectuate what he wants to do, that he ought to change the wording of the perfecting amendment.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, I think we have had a good, healthy exchange. Everyone has had the opportunity to listen to our respective points of view.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the Boehlert amendment and compliment the gentleman in his effort.

Mr. Chairman, I object to the amendment of the gentleman from New York [Mr. NADLER] for two basic reasons. You talk about a willing seller-willing buyer. A willing buyer, yes, but not always the seller. There have been cases where Fish and Wildlife has gone into an area and drawn a refuge around different landholders in long, spidery ways, surrounding them, and then declaring the area around these private landholders as a refuge, and they are inside the refuge, being then an inholder.

Then what happens, the land value decreases dramatically from anybody else, because they are under certain restrictions because it is called a buffer zone. So what would occur under the gentleman's thoughts here would be in reality an agency willing to go in and get 499 acres around an area, and the willing seller would only have one buyer. Any time you have one buyer, and that buyer being the U.S. Government, and one owner being put in that kind of spot, it has a devastating effect on that one owner. We have seen that occur not just with this administration, but other administrations also. So this is not partisan.

We are trying to avoid that. We are allowing them to get a certain amount of acreage in an emergency case. But every other time they have got to come back to this Congress to authorize, for us to say it is the right thing to do, and not be put into the position of making the landowners subvergent to the Federal Government.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I just want to underline the importance of

the gentleman's remarks and agree with them fully, and tell the body that in my own case in the 6th District of Wisconsin years ago, Fish and Wildlife Service was acquiring land without Congressional authorization, and sending letters to landowners, farmers principally, which they thought meant they were subject to eminent domain and were being forced to sell. There were outrages and protests. Finally we heard they did not have any legal authority for doing what they did and managed to get it stopped.

I would not let this completely out of the box. I would keep some type of opportunity to review and make them justify to neutral, informed observers what they are actually doing, so we do not see Government get a little too heavyhanded.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, I am suggesting with the Boehlert amendment we have solved the problems of the emergency. But we have also put a cap on the administration or the agency itself of misusing its power as it has done in the past.

The gentleman from New York may not be aware of this, but this has occurred. All we are saying is we have a responsibility as Congressmen, and the Member of that district has the responsibility if a refuge is in fact proposed that is beyond 500 acres, then in reality they ought to come back here and talk to the chairman of the subcommittee and the Members, and especially the Member of that district. So I support the Boehlert amendment, and I definitely oppose the Nadler amendment.

□ 1545

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

Mr. YOUNG of Alaska. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for his valuable support. This is a significant improvement to the bill because it allows emergency purchases of environmentally sensitive lands and that is exactly what we want to do. Keep in mind the overwhelming majority of refuges around the country are less than 500 acres.

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

Mr. Chairman, first of all, I am told that the statement that was made a moment ago is not correct—408 of the 503 refuges in the country are over 500 acres. That is the first point.

The second point is that I understand the remarks of the gentleman from Alaska, but the normal procedure admittedly not followed this past year because Congress did not pass any appropriations bills, or the relevant appropriations bills, but the normal procedure is when a refuge is sought, the Fish and Wildlife Service submits a list of proposed purchases to the Congress and the Congress approves it through the committee report on the Subcommittee on the Interior appropriations bill. And that that has been invariably followed, that the report language of the Subcommittee on the Interior of the Committee on Appropriations lists which refuges should be bought with the LWCF appropriation and that the committee is only appropriated enough money to cover the cost of purchasing the refuges that it lists.

Now, it is true this is not binding, but all parties have abided by this list except this past year when there was no appropriations bill and, therefore, no appropriations language.

Mr. Chairman, I would submit that rather than requiring authorizing legislation, which we know can take a long time and add whole layers of proceedings before we get a refuge, that the process we have now, where essentially Congress signs off on it through the report of the Subcommittee on the Interior, is a better way to go. And, therefore, I would oppose the gentleman's perfecting amendment.

I think that as long as we have that control through the Subcommittee on the Interior language, and maybe we ought to codify that, but the fact is that is the way we have been doing it, Congress has the control.

The second point I would make is simply again, with all due deference, the fact is the language of the perfecting amendment says very clearly that you need congressional authorizing legislation for the creation of a new refuge having a total greater than 500 acres or the expansion of a new refuge of any acreage, period; a new refuge being defined as anything created after this date.

So what that clearly means, whatever the intent of the author of the amendment and what the courts will clearly read into it, it is not interpretation, just read the clear language, it says that if a new refuge is created of less than 500 acres you do not need congressional approval for that, but for the expansion of such a new refuge a year or two later, also less than 500 acres, totaling less than 500 acres, you would need congressional authorizing approval for that.

It is clearly not what the gentleman intends but it is what the language suggests. So even if you agree with the gentleman, it should be changed before we vote on it.

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

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

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding, and I want to say that I think that he is correct and that I concur on the plain reading of the amendment and I have some concerns with it. And that is that when we originally discussed this, I believe the original Pombo amendment was to go to the creation of a new refuge, that Congress ought to be involved in that decision and that ought to take a direct authorization.

I think there was sort of general agreement about that, but what we have here is not only the creation but the expansion of that new refuge. And I think what the gentleman from New York [Mr. NADLER] is reading is in fact correct on its face; and that is that any expansion, be it 20 acres or 200 acres, would require a direct authorization. I think that would be even true in the case where you have a willing seller and a willing buyer. So you would have to come back to Congress and wait around for that.

There has been the discussion of an emergency situation, but there is no reference or I do not understand the reference to an emergency situation of 20 or 30 acres, because it says quite specifically, pursuant to recommendations of the Fish and Wildlife Service to create or expand a new refuge, that it cannot be done without specific authorization of Congress. And that goes to the expansion, and there is no acreage limitation on the issue of expansion.

Very often we have willing sellers and willing buyers, either that are inholdings or on the boundary, that seek to have the purchase of their lands made. And I think in that particular case we ought not to require that to come to Congress.

So, Mr. Chairman, I would hope prior to either the acceptance of this amendment, or if it would be voted on or what have you, I do not know if it would be prevailed on or not; but I think that language should be corrected because I think it is going to be an obstacle. And if we are concerned, and I think in our committee we had some legitimate concerns raised——

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. NADLER was allowed to proceed for 2 additional minutes.)

Mr. NADLER. I continue to yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, where we had the notion of creating a new refuge, and some of that may or may not have been speculative in nature, and landholders did not know what was going to happen or not happen, and that the authorization was a way to tell people what their situation was with respect to the creation of that. It is not a speculation that could go on year after year after year after year and inhibit people's ability to possibly use or sell their land.

But I think this amendment goes way beyond that. I think this amendment does not do what the author wants it to do and it ought to be reconfigured certainly with respect to the problems regarding expansion.

I thank the gentleman for yielding.

Mr. NADLER. Mr. Chairman, reclaiming my time, I would point out simply that the language of this amendment says the expansion of a new refuge of any acreage. That clearly means a new refuge that is less than 500 acres. If we want to expand it by 32

acres or 60 acres, it requires the authorization of Congress. And if the gentleman did not intend that, I would hope the gentleman would change by unanimous consent his own amendment to make clear what he does intend because the language is very clear.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the gentleman from California [Mr. MILLER] knows, when this bill originally came up before the committee and my amendment was offered to restrict the creation of a new wildlife refuge without the direct authorization of Congress, it met very little resistance in the committee and, in fact, passed on a voice vote in the committee; because it only made common sense that if we are obligating funds, taxpayer money, if we are obligating Federal funds from a Federal account, that Congress and the authorizing committee, of which the gentleman from California [Mr. MILLER] is the ranking member, and the gentleman from Alaska [Mr. YOUNG] is the chairman, ought to have the ability to ask questions about what the priorities are.

There are limited amounts of money that can be expended every year. So it is extremely important that we prioritize where those dollars are going to be spent, what scientific basis there is for creating that refuge, where they want to create it, and that Congress does take that authorization stance.

Now, the gentleman from New York [Mr. NADLER] brought up that Congress does appropriate the money and it does come through the Subcommittee on Interior appropriations, which is correct. That does happen. But the reason that it happens that way is because Fish and Wildlife goes out, creates a new refuge somewhere, with no congressional oversight whatsoever, obligates the U.S. taxpayer to millions of dollars to purchase that refuge, plus additional operating expenses to continue to maintain that refuge on an annual basis, and our property owners come to us and say, look, we have just been put in the middle of a wildlife refuge. I am now a willing seller because I cannot use my property anymore; or I live under restrictions of the Fish and Wildlife Service now and the only person that will purchase my property now is the Federal Government because they have just designated me a wildlife refuge. So we have to go to the Committee on Appropriations and say, please buy these people's land that we have already taken.

There is absolutely nothing wrong with congressional oversight. There is nothing wrong with the U.S. Congress doing the job that they are supposed to be doing, and that is watching over the people's money.

I do not understand, Mr. Chairman, how anybody could come down here and seriously say that we should create wildlife refuges, for example, according to Fish and Wildlife Service they purchased a little over 1,200 acres in California last year for a wildlife refuge at the cost of $10.5 million. Now, that is a lot of money. They did that without any congressional oversight whatsoever, without us determining whether or not this was a priority site. And it may have been a priority site, but Congress ought to take an affirmative step, step in and say whether or not it is a priority, whether or not the science backs it up or whether or not there may be someplace else that is a higher priority.

To have someone seriously say that Congress should not, and should abdicate its responsibilities and let the unelected bureaucrats, the unelected faceless, nameless bureaucracy take control of money that should be under the direct control of Congress, I do not understand. This is a very important issue. This is not just something that someone came up with at night.

Now, Mr. Chairman, the gentleman from New York [Mr. BOEHLERT] and I have disagreed on a lot of things. He came in with concerns about this and we sat down and we worked out an agreement, and we said anything over 500 acres, or if they want to expand that new refuge so that in 1 year they do not come in and say we are going to buy 490 acres and the next year we are going to expand it with 10,000 acres. We felt this was a reasonable compromise. We felt it was something everyone should support and it should be totally noncontroversial.

Mr. Chairman, when the gentleman from New York [Mr. BOEHLERT] and I are on the same side of something, it should be noncontroversial. It is a good amendment that should pass, and I believe that Congress should not abdicate its responsibilities and we should have full oversight authority over these refuges.

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

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

Mr. BOEHLERT. Mr. Chairman, I want to point out that this is consistent with the existing policy that the Secretary of the Interior is already familiar with as it pertains to national parks. If there is going to be an addition to the national parks, the Secretary of the Interior is used to coming to Capitol Hill to get the authorization.

Mr. POMBO. Mr. Chairman, reclaiming my time, that is absolutely correct. If we want to add to a national park, which may be very important and it may be a priority, Congress must approve that in order to do it. If we want to add to the Forest Service lands, they have to come to Congress to do it. But in this one instance we do not have to do that, and we are trying to correct an oversight.

The CHAIRMAN. The time of the gentleman from California [Mr. POMBO] has expired.

(By unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, I yield to the gentleman from New York.

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

I want to know if the gentleman from California [Mr. POMBO] and the gentleman from New York [Mr. BOEHLERT], regardless of the merits of the entire question, would at least agree to a unanimous-consent request to amend Mr. BOEHLERT's amendment to make it do what he says it would do; so to say it would then read, withstanding any other provision of law, no funds would be expended, et cetera, et cetera, for the creation of a new refuge for a total area greater than 500, or the expansions of any refuge of any acreage that would result in the new refuge than being 500 or more acres.

If the gentleman put in that language, it would at least make clear it would do what the gentleman from New York [Mr. BOEHLERT] says he intends to do and do what the gentleman from California [Mr. POMBO] seem to want to do.

Mr. YOUNG of Alaska, Mr. Chairman, will the gentleman yield?

Mr. POMBO. Mr. Chairman, reclaiming my time, I yield to the chairman, the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, my problem is the gentleman from New York spoke so fast and said et cetera, et cetera, et cetera. When I see a few et ceteras, I get a little concerned.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words and I yield to the gentleman from New York [Mr. NADLER].

□ 1600

Mr. NADLER. Mr. Chairman, what I am proposing is that the gentleman would amend the amendment to read as follows: Notwithstanding any other provision of law, no funds may be expended from the land and water conservation fund established by Public Law 88–578 for the creation of a new refuge having a total area greater than 500 acres or the expansion of a new refuge of any acreage that would result in the new refuge having a total land area greater than 500 acres within the national wildlife refuge system, and so forth.

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

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I will accept that. In the spirit of comity, two New Yorkers working something out, that is very positive and very constructive.

The CHAIRMAN. The Chair would point out that if there is to be a modification by unanimous consent, the gentleman from New York [Mr. BOEHLERT] may request unanimous consent to modify his amendment. That amendment modification must be submitted in writing.

MODIFICATION OF PERFECTING AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the perfecting amendment be modified as proposed by the gentleman from New York [Mr. NADLER] and that the modification be adopted.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of perfecting amendment offered by Mr. BOEHLERT:

In lieu of the matter proposed insert ''Strike section 10 and insert instead:

''Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88–578, for the creation of a new refuge having a total area greater than 500 acres or the expansion of a new refuge of any acreage that would result in the new refuge have an acreage of more than 500 acres within the National Wildlife Refuge System without specific authorization of Congress pursuant to a recommendation of the United States Fish and Wildlife Service, to create or expand that new refuge. For purposes of this section, a new refuge is a refuge created after the date of enactment of this act.

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

There was no objection.

The CHAIRMAN. The perfecting amendment is modified.

The question is on the perfecting amendment offered by the gentleman from New York [Mr. BOEHLERT], as modified.

The perfecting, as modified, was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. BOEHLERT

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

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

COORDINATION AREAS

In section 6, in the matter proposed as section 4(d)(3)(A) of the National Wildlife Refuge System Administration Act of 1966, add at the end the following new clause:

''(iv) A new use of a Coordination Area first made available to a State after the date of enactment of the National Wildlife Refuge Improvement Act of 1996 may not be initiated or permitted unless the Secretary determines that the use is a compatible use.

In section 6, in the matter proposed as section 4(d)(3)(B) of the National Wildlife Refuge System Administration Act of 1966, after ''a use'' the first place it appears insert ''of a refuge''.

COMPATIBILITY OF FISHING AND HUNTING

In section 3(a)(2), in the matter amended to read as section 4(1) of the National Wildlife Refuge System Administration Act of 1966, strike ''the purposes of the System specified in section 4(a)(3)'' and insert ''the overall mission and purposes of the System specified in sections 4(a)(2) and (3), respectively,''.

In section 6, in the matter proposed as section 4(d)(3)(A)(iii) of the National Wildlife Refuge System Administration Act of 1966, after ''uses'' insert ''(consistent with the purposes of the System under subsection (a)(3))''.

In section 8(a), strike the close quotation marks and the second period at the end, and add the following new subsection:

''(q) Nothing in this Act shall be construed as requiring or prohibiting fishing or hunting on any particular refuge except pursuant to a determination by the Secretary in accordance with this Act.''.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BOEHLERT. Mr. Chairman, the purpose of this amendment is to eliminate some legitimate concerns that have been raised about this bill. We want to ensure that this bill strengthens the refuge system and it is built to carry out its vital conservation mission. I think this package of amendments will accomplish that objective.

The amendment addresses three problems with the bill as reported out of the Committee on Rules. That bill, by the way, was a significant improvement over the version that was reported out of the Committee on Resources originally.

The first problem concerns coordination areas. These are Federal lands that are managed by the States. Now, neither we nor anyone else I know of has any problem with the concept of cooperative management. But we want to ensure that no one can ever use coordination areas as a back door way to allow damaging activities on refuges. The refuge system is Federal, and Federal standards are essential.

The first amendment in this package makes it clear that coordination areas have to be managed using the same standards as refuges. As a practical matter, what that means is that if some use, say jogging, was not permitted in a refuge because it would damage the wildlife and a piece of that refuge became a coordination area, jogging would still be forbidden.

I should add that this applies only to coordination areas created by the transfer of land after the bill is signed into law. We are not interfering with any existing agreements between the Federal Government and any State.

The second problem addressed by this package is the key issue of when wildlife dependent recreation, hunting, fishing, wildlife observation, and so forth, when that recreation is permitted at the refuge. Over the years the Fish and Wildlife Service has struck a delicate balance between protection of species and human enjoyment of the refuge. By and large, no one I have spoken to has a problem with that balance, not sportsmen, not environmentalists. Everyone wants to protect the balance. But the language in this bill could be interpreted as throwing aside that balance and replacing it with a new one that could be damaging to wildlife protection.

That would be intolerable. My amendment is designed to ensure that no one will ever interpret the bill in that matter. The amendments, there are three of them, make clear that recreational activities can be permitted only when the secretary determines that they would not detract form the overall mission of the refuge system. That is conservation.

The amendment makes clear that we are still requiring a balancing act here, that recreational activities can occur only when they would cause no harm. Let me repeat that: Recreational activities can occur only when they would cause no harm.

I would like to engage the gentleman from Alaska [Mr. YOUNG] in a colloquy on this essential point.

I appreciate the willingness of the Committee on Resources to work with us on this amendment, but I would like to clarify some issues. As I understand it, this bill is not intended to require that wildlife dependent recreation be allowed on every refuge; is that correct?

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman is correct. The bill is intended to make it clear that wildlife dependent recreation must be allowed when it would not detract from the other purposes of the refuge system. It does not require that recreational activities always be allowed.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman.

What we all are looking for is a balancing act here between protecting species and allowing the public to enjoy the species that have been protected. Just to reemphasize that point, I would ask the chairman this question: Does the elevation of compatible wildlife dependent recreation to a purpose mean that hunting and fishing and wildlife observation and other recreational activities must always be permitted in the refuge?

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, once again, it does not.

Mr. BOEHLERT. I thank my distinguished chairman.

Mr. Chairman, I thank my colleagues for their indulgence. I also would like to thank the gentleman from Florida [Mr. GOSS], the cosponsor of this amendment, who is much more intimately familiar with the details of some of these issues than I am. He has lived with this for a long time. Mr. GOSS and his staff have provided invaluable guidance on this issue.

Mr. Chairman, let me give particular credit to my own staff. This may be viewed as a self-serving declaration, but I happen to think I have got one of the best staffs anyplace on Capitol Hill. Two of those valued members, three of them are sitting right here with me: David Goldston, my legislative director; Jeff More, who is my professional staff member on the Committee on Transportation and Infrastructure Subcommittee on Water Resources and Environment; and Dr. Natalie D'Nicola,

who is a science fellow. We have science-based decisionmaking in our office.

The CHAIRMAN. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

(By unanimous consent, Mr. BOEHLERT was allowed to proceed for 30 additional seconds.)

Mr. BOEHLERT. Mr. Chairman, this is a difficult issue in which the future survival of species and the availability of open land for the American people are at stake. This amendment, I believe, restores a sense of balance that was lacking in the original bill. I urge my colleagues to support the amendment and the bill as amended.

The CHAIRMAN. The Chair will clarify for the record, the adoption of the previous Boehlert amendment had the effect of causing the Nadler amendment, which was an amendment to strike, to fall and, therefore, that amendment would not be voted on because of the passage of the first Boehlert amendment, and the question is now on the pending Boehlert amendment.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. NADLER. Mr. Chairman, would the Chair restate that? I could not follow what the Chair was saying.

The CHAIRMAN. As stated on page 233 of the House Rules and Manual, when a motion to strike out a section is pending and the section is perfected by an amendment striking and inserting to rewrite the entire section, the pending motion to strike out must fall, since it would not be in order to strike out exactly what had been inserted. Therefore, by adoption of the Boehlert amendment as modified, the Nadler amendment fell and, therefore, the Committee did not vote on the Nadler amendment to strike.

Mr. NADLER. Mr. Chairman, bottom line, the language that we all agreed to is now in the bill?

The CHAIRMAN. The gentleman is correct.

Mr. NADLER. I thank the Chair.

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

Mr. Chairman, I will not take 5 minutes. I simply have an inquiry of the gentleman from New York. I assume that the language in the gentleman's en bloc amendment that dealt with the same subject that we dealt with a moment ago is no longer in your amendment?

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

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

Mr. BOEHLERT. Mr. Chairman, that is correct.

Mr. NADLER. I thank the gentleman.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in an effort to finetune the bill before us, we are offering our amendment to address three specific concerns raised about H.R. 1675. Frankly, these are concerns raised by some who may oppose the bill altogether. However, it has been our approach to sit down with the interested parties, roll up our sleeves and attempt to solve the problems with the legislation in a reasonable and workable manner. Many Members and their staff have spent hours working out the details of this amendment, and we are grateful for the cooperation shown by Chairman YOUNG and SAXTON in getting to this point.

Mr. Chairman, the heart of our amendment addresses three issues:

First, what is the role of the hunting, fishing, and wildlife observation in the refuge system?

Second, how much freedom should the Fish and Wildlife Service have in establishing—and expanding—refuges without congressional approval?

And third, what safeguards exist to ensure that the management standards of existing refuges are maintained if the management authority is put in the hands of an individual State?

In my remarks during the rule, I mentioned the legacy of J.N. ''Ding'' Darling—a hunter who was a steadfast conservationist. He understood that given the proper balance, hunting and conservation were compatible. The clarifications in the Boehlert-Goss amendment aim to achieve that balance, and indeed, clarify that hunting, fishing, and wildlife observation are legitimate options in some of our refuges, as long as they are compatible with the overall higher mission of conservation and preservation of wildlife.

The second issue involves the authority of the Fish and Wildlife Service to use the land and water conservation fund to establish new refuges. It is the case that unlike all other uses of the LWCF, Fish and Wildlife is not required to seek any specific authorization to establish a new refuge. I agree that Congress has the responsibility to exercise better oversight over these funds, but the broad nature of the bill language in this area has caused some concern. Our amendment would still give Fish and Wildlife the flexibility to purchase areas of 500 acres or less, while ensuring that major expenditures of taxpayer dollars are subjected to the normal, established budget process.

Finally, the last concern takes care of a consistency issue, and would ensure that land set aside for wildlife purposes today—under the wildlife refuge system—continues to be managed in a responsible manner should authority for that refuge be given to a State agency.

Again, these are not dramatic changes, but they are significant clarifications—and I would hope that my colleagues would support them.

□ 1615

Mr. Chairman, I would like to say that the cooperation on this bill I think proves once again that the environment does not know partisanship and the environment should not know extremism. There are sensible, well-balanced answers to these matters, and we are offering them in this amendment.

I thank the gentleman who have taken the opportunity to get us this far. I admire them for their persistence and patience.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I rise in support of the substitute under consideration, as modified by the Boehlert amendment, because I think the Boehlert amendment and the substitute improve existing law. I am going to support the bill, as amended.

The bill represents a significant effort to factor environmental interests into the balance, and I compliment the gentleman from Alaska [Mr. YOUNG], and the gentleman from New York [Mr. BOEHLERT], for their effort.

First, the problematic section of the State management of coordination areas is resolved by the amendment requiring that management of those areas meet the compatibility standard. We just went through an interesting debate about whether or not 500 acres should come before this House to be authorized, and I think that was clarified and that was debated and more clearly understood.

Finally, my greatest concern is that we remember the reason we have refuges in the first place. First and foremost is for conservation of wildlife and plants. Whether the purpose for that conservation is to provide hunting and fishing opportunities, to preserve endangered species or to save wild spaces so our children in this world can know that there is something more than cars, pavements and sidewalks, this bill, the mission of this bill, is for conservation. The Boehlert amendment insures that compatibility means compatibility with the conservation mission.

Mr. Chairman, the last two Congresses have seen a stalemate on environmental issues which has benefited neither landowners, nor industry, nor environment, nor conservation. We have seen both sides occasionally trip over their hyperbole, and the mistrust that has grown has made consensus impossible.

This admittedly imperfect bill at least contains a tremendous attempt at consensus, and for that reason I believe it deserves our support.

It should come as no surprise that generally, I believe, good science is critical for environmental legislation. I also recognize that good environmental legislation has always been developed by consensus.

The bill before us will do no practical harm to the refuge system, and if it can become the first step toward building a consensus on conservation issues, then it does a tremendous amount of

good, and I urge support for the amendment and I urge support for the adoption of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MRS. LINCOLN

Mrs. LINCOLN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LINCOLN: At the end of the bill add the following new section:

SEC. —. AUTHORITY OF SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

After section 2 of the Act, as redesignated by section 11(a)(3) of this Act add the following new section:

"SEC. 3. AUTHORITY OF SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

''(a) IN GENERAL.—The Secretary shall accept from any qualified State donations of services of State employees to perform in a refuge, in a period of Government budgetary shutdown, fish- and wildlife-dependent recreation management functions otherwise authorized to be performed by Department of Interior personnel.

''(b) LIMITATIONS.—An employee of a State may perform functions under this section only—

''(1) within areas of a refuge that are located in the State; and

''(2) in accordance with an agreement entered into by the Secretary and the Governor of the State under subsection (c).

''(c) AGREEMENTS.—

''(1) IN GENERAL.—For purposes of this section, the Secretary may enter into an agreement in accordance with this subsection with the Governor of any State in which is located any part of a refuge.

''(2) TERMS CONDITIONS.—An agreement under this subsection shall—

''(A) contain provisions to ensure resource and visitor protection acceptable under the standards of the United States Fish and Wildlife Service;

''(B) require that each individual performing functions under the agreement shall have—

''(i) adequate safety training;

''(ii) knowledge of the terrain in which the individual will perform those functions; and

''(iii) knowledge of and adherence to Federal regulations relating to those functions; and

''(C) specify other terms and conditions under which a State employee may perform such functions.

''(d) EXCLUSION FROM TREATMENT AS FEDERAL EMPLOYEES.—A State employee who performs functions under this section shall not be treated as a Federal employee for purposes of any Federal law relating to pay or benefits for Federal employees.

''(e) ANTI-DEFICIENCY ACT NOT APPLICABLE.—Section 1341(a) of title 31, United States Code, shall not apply with respect to the acceptance of services of, and the performance of functions by, State employees under this section.

''(f) DEFINITIONS.—In this section—

''(1) the term 'Government budgetary shutdown' means a period during which there are no amounts available for the operation of the System, because of-

''(A) a failure to enact an annual appropriations bill for the period for the Department of the Interior; and

''(B) a failure to enact a bill (or joint resolution) continuing the availability of appropriations for the Department of the Interior for a temporary period pending the enactment of such an annual appropriations bill; and

''(2) the term 'qualified State' means a State that has entered into an agreement with the Secretary in accordance with subsection (c).''

Mrs. LINCOLN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Arkansas?

There was no objection.

Mrs. LINCOLN. Mr. Chairman, my amendment to H.R. 1675 would alleviate the burdens faced by our constituents during Federal governmental shutdowns.

This Congress has seen two shutdowns that have adversely affected individuals wishing to use our wildlife refuges. In Arkansas, the first shutdown occurred during a 4-day deer hunt and the second occurred right in the middle of duck hunting season. Hunters had scheduled family vacations and purchased hunting permits, only to be turned away from the gates.

This did not need to happen. Officials at the Arkansas Game and Fish Commission volunteered their services when a shutdown was imminent, and had actually signed an agreement with the Fish and Wildlife Service in Atlanta. However, right before the shutdown, Interior Department attorneys determined that this agreement was not allowed under current law.

My amendment fixes this problem. If this language is adopted, States will be able to step in for the Federal Government for all fish- and wildlife-dependent recreational management activities only during governmental shutdowns if they have a prior agreement with the Department of the Interior. This amendment would not allow the States to conduct commercial management functions such as timbering, haying, or grazing. Such agreement would ensure both the protection of the land and the people using the refuge by demanding proper safety training, knowledge of the local terrain and knowledge of the Federal regulations by State employees before they take over Fish and Wildlife Service's duties.

This amendment has the support of the Congressional Sportsmen's Caucus, the Congressional Sportsmen's Foundation, B.A.S.S., Ducks Unlimited, and the International Association of Fish and Wildlife Agencies.

We should never encourage the closure of our Federal Government. However, these shutdowns periodically arise and there should be a plan in place to address such occurrences.

Additionally, because the Federal budget and appropriations process concludes at the end of September, if the Government closes, it oftentimes occur during the time where the demand for access to these lands for hunting and other recreational activities is quite high. I know that the constituents in the First District of Arkansas look forward to using the refuges during the fall and early winter and many have planned family vacations around the hunting seasons.

Lack of funding for the refuges and reduced access due to Government closures may also jeopardize public support for the Refuge System. Hunters who have invested a lot of money in the purchase and management of these refuges may look elsewhere for their needs if their access to the lands is diminished or becomes unpredictable.

As my friend, the gentleman from Michigan [Mr. DINGELL], stated, I am a strong conservationist and a hunter, and I certainly urge my colleagues to support this simple, commonsense amendment.

Mr. MILLER of California. Mr. Chairman, I rise in support of the amendment and to say that we have looked at this amendment and we do not object to the acceptance of this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate the gentlewoman from Arkansas [Mrs. LINCOLN] on this amendment. It is long overdue. The administration supports this amendment. It is something we should have in the tools to make sure that what happened last October, November, December should not occur again because the agency said it could not be done legally. This amendment takes care of that problem.

I strongly support the amendment.

Mr. Chairman, I have carefully reviewed the amendment offered by our distinguished colleague from Arkansas [BLANCHE LAMBERT LINCOLN].

I intend to support this amendment and I compliment our colleague for the many months of hard work she has spent perfecting this language.

Under the terms of this amendment, a State would be able to enter into an agreement with the Secretary of the Interior for the purpose of allowing State employees to operate units of our Federal Wildlife Refuge System should, in the unlikely event, a Government budgetary shutdown occur in the future.

These employees will have to receive adequate safety training, be knowledgeable about the terrain of the particular refuge unit, and adhere to all appropriate Federal regulations.

While it is unclear whether these agreements will ever be necessary, it is an innovative approach and it provides the kind of legislative fail-safe that the Secretary should have administratively used last winter to save our States thousands of dollars of lost hunting revenues.

Finally, I am pleased that this language has been expanded to include not only hunting but also fishing, wildlife observation, and environmental education. There are millions of Americans who regularly enjoy these forms of wildlife-dependent recreation, and this amendment will help to ensure that our Nation's refuge doors remain open in the years ahead.

It is my understanding that the administration has no objection to this System-wide solution and I urge an ''aye'' vote on the Lincoln amendment.

Mr. HAYES. Mr. Chairman, last year, I stood in this well on several occasions regarding dubious actions taken by the Department of the Interior.

On the first occasion, I was addressing a comment made by Secretary Babbitt in which he mistakenly referred to my party affiliation. While the Secretary was wrong when he made his statement, as we will know, his prophecy has come to pass.

The second instance during the debate on H.R. 450, the Regulatory Transition Act, dealt with threats by the United States Fish and Wildlife Service [USFWS] to potentially delay the opening of migratory bird hunting seasons. During the Government shutdowns this winter, the Department of the Interior was at it again—holding hunters and fishermen hostage during the Government shutdown even though many States, like my home State of Louisiana, agreed to keep the Federal wildlife refuges open.

In fact, a satellite office of the USFWS solicited Louisiana Department of Wildlife and Fisheries assistance in maintaining smooth operation of Federal refuges in preparation for the first Government shutdown. But, Department of the Interior lawyers in Washington told the State they could not proceed. Clearly, the best interests of the wildlife and recreation on the refuges were being seriously overlooked.

The USFWS also specifically requested that these same State officials promulgate special regulations to extend deer season 2 additional days over the weekend of January 6 and 7 due to the first shutdown. After the State did so at its own expense, those additional days and the importance of hunting to Louisiana's economy were again threatened during the second shutdown by the same Department of Interior lawyers.

This amendment today would clarify the States' authority to rectify the underlying problem leading to these situations.

The Lincoln amendment would require the Secretary of the Interior to accept voluntary services of state employees in the operations of National Wildlife Refuge units during any period of Federal budgetary shutdown for the management of hunting, fishing, and other recreational activities authorized on each refuge. States and the Department of the Interior would have to have an agreement in place prior to any shutdown.

The 17 Federal refuges in Louisiana are an integral part of the over $630 million in annual direct and indirect revenue that hunting brings into our State's economy. In fact, as much as one-third of the economies of several of the coastal parishes I represent are dependent on tourism related to hunting activities. Without the continued management of these refuges, the very lives and livelihoods of the people in these Parishes are at risk. While I do not advocate the general principle of shutting down the Federal Government, I refuse to allow Secretary Babbitt to jeopardize my constituents and their interests.

I urge my colleagues to adopt the Lincoln amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Arkansas [Mrs. LINCOLN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

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

Mr. Chairman, I rise for purposes of engaging in a colloquy with my dear friend, the gentleman from Alaska.

Mr. Chairman, I would like to ask my good friend from Alaska to engage in a colloquy with me with regard to the existing reserve water rights on the national refuge system under H.R. 1675.

Mr. Chairman, I am concerned that a statement of the committee report on H.R. 1675 would be interpreted by some to mean that this bill eliminates, waives, or concedes existing Federal water rights which currently attach to lands which were previously withdrawn from the public domain from old military bases or from other lands owned by the Federal Government for use as refuges.

The statement I am referring to is on page 11 of the committee report and defines the term refuge under section 3(a) of H.R. 1675.

In particular, this section of the Report states that ''* * * Federal reserved water rights do not constitute 'interests' within the meaning of the term 'refuge'.'' This statement appears to be contrary to the language in Section 7(a) of H.R. 1675 which addresses the status of various water rights under the original 1966 Refuge Administration Act and H.R. 1675. I would like to ask the gentleman from Alaska a series of questions to clarify the intent of the Committee with regard to these matters.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would be pleased to answer the question and provide clarification of this issue to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, section 8(a) of H.R. 1675 would establish a new subsection 4(n)(1) in the Refuge System Administration Act to address the general question of water rights within the refuge system. This subsection appears to contain two important statements affecting reserved water rights in particular.

First, the subsection contains a disclaimer stating that nothing in H.R. 1675 should be interpreted as creating any new reserved water rights within the refuge system.

Is that an accurate interpretation of the legislation before us?

Mr. YOUNG of Alaska. Yes, this provision of the bill you are referring to is intended to clarify that no new reserved water rights are created for wildlife refuges as a result of the passage of this bill.

Mr. DINGELL. Second, this subsection contains another disclaimer stating that nothing in the bill should be interpreted as affecting any refuge water right in existence on the date of enactment of H.R. 1675. I interpret this provision to mean that nothing in H.R. 1675, including the definition of ''refuge'' in section 3(a), is intended to override, cede, or extinguish any refuge reserved water right which may have been previously created by a past land withdrawal for wildlife refuge purposes.

Is that the gentleman's intent and interpretation of this provision as well?

Mr. YOUNG of Alaska. Yes, the gentleman from Michigan is correct. This provision is intended to maintain the status quo with regard to existing reserved water rights in the system, and to clarify that reserved water rights previously created at the time of withdrawal of these lands for refuge purposes will not be expanded nor restricted, diminished, or eliminated due to the passage of H.R. 1675. As a result, refuge reserved water rights will remain exactly in the same position as they are today if H.R. 1675 becomes law.

Mr. DINGELL. I want to thank my good friend, and I have further questions: Therefore, it was the intention of my good friend that the exclusion of reserved water rights in the definition of the word ''refuge'' in section 3(a) of the substitute bill was designed to limit the geographic boundaries of a given refuge rather than to cede or extinguish any reserved water rights which might otherwise be asserted within the system?

Mr. YOUNG of Alaska. Again, the gentleman from Michigan is absolutely correct. The exclusion of reserved water rights in the definition section of H.R. 1675 is intended to impose a limitation on the geographic boundaries of individual refuges and is not intended to override the disclaimer protecting existing water rights in section 8(a) of this bill.

Mr. DINGELL. Finally, I am concerned that section 5 could be interpreted in a way which may limit or prohibit future Federal action to protect the system by its call for acquisitions under State law. Could the gentleman inform me how this provision would affect the current balance of Federal and State interests in the refuge system?

Mr. YOUNG of Alaska. This provision in section 5, like the rest of H.R. 1675, is intended to recognize long-established Federal-State relationships. States have traditional primacy regarding the allocation of water resources, and this merely directs the Secretary to use appropriate State forums in those cases where water is to be acquired for refuge units. This section should not be construed to otherwise alter or diminish the interests of the Federal Government as it pertains to ownership of or management authority for the National Wildlife Refuge System.

Mr. DINGELL. I want to thank the gentleman from Alaska [Mr. YOUNG], my dear friend.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. Mr. Chairman, I have some further questions of the gentleman from Alaska, and they relate to the question of open until closed.

Mr. Chairman, since the Resources Committee finished consideration of the legislation before us, considerable confusion has arisen over section 6 of the substitute. Specifically, I am referring to paragraph (3)(a)(2), which specifies that existing and compatible wildlife-dependent uses of a refuge are allowed to continue, on an interim basis, on lands added to the System once the legislation before us is enacted into law.

Would the gentleman please explain to us the intention of this paragraph in section 6?

□ 1630

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, this provision is intended to address a longstanding concern about a policy of the Fish and Wildlife Service where new refuge lands are ''closed until opened.'' Accordingly, all preexisting uses are terminated when land is acquired by the Fish and Wildlife Service. This has created conflict at many refuges where sportsmen accustomed to using these lands suddenly find them closed for an unpredictable amount of time.

The purpose of this paragraph, which inserts new language in section 4(d)(3)(b)(x) of the National Wildlife Refuge System Administration Act, is to create the presumption that when the Fish and Wildlife Service brings new lands into the System, compatible wildlife recreation activities ought to be allowed to continue unless the Secretary makes a determination before the acquisition that such activities are not compatible with the purposes of the System.

Mr. DINGELL. There has been much discussion from interested parties about the fact that any recreational use would be allowed to continue on new refuge lands. Is this a correct reading of the bill?

Mr. YOUNG of Alaska. No, it is not. This provision applies only to wildlife-dependent use of a refuge. This includes fishing, hunting, wildlife observation and environmental education.

Mr. DINGELL. In that case, other activities such as the use of all-terrain vehicles, jet skis, and other uses are not covered under this provision?

Mr. YOUNG of Alaska. The gentleman is correct.

Mr. DINGELL. Is it correct to read this ''open-until-closed'' provision as applying only to lands brought into the National Wildlife Refuge System after this legislation is enacted?

Mr. YOUNG of Alaska. Yes, the bill states very clearly that only wildlife-dependent uses are permitted to continue only on lands added after the date of enactment of this bill. Wildlife-dependent recreation is expected to occur on existing refuge lands if the Secretary determines that the activities meet three requirements: first, they are consistent with the principles of sound fish and wildlife management; second, they are compatible with the purposes of the System; and third, they are consistent with public safety.

Mr. DINGELL. I am concerned and I want this clear on the Record. It is correct that the Secretary will retain significant discretion regarding the authorization of such activities on existing refuge lands?

Mr. YOUNG of Alaska. Once again, the gentleman is correct. Refuge lands may be closed for any one of three reasons specified in the bill thereby providing the Secretary with appreciable discretion. In essence, we are creating a rebuttable presumption that wildlife-dependent recreation is compatible unless it is contrary to one of these principles. This approach is conceptually the same as articulated by Secretary Babbitt to the Congressional Sportsman's Caucus in September 1994.

Mr. DINGELL. I would like to direct the gentleman's attention to the term compatible use. Under section 3 of the bill, concerns have been raised that the definition of ''compatible use'' will alter the intent and administration of the Refuge Recreation Act of 1962. Will the gentleman please enlighten the House as to his intent with regard to the definition of ''compatible use?''

Mr. YOUNG of Alaska. First, I want to make clear that no provision of H.R. 1675 should be read or interpreted as altering in any way the purposes or administration of the Refuge Recreation Act of 1962. Second, the term ''compatible use'' is defined in a way that codifies an existing definition used by the Fish and Wildlife Service for many years, using reliable scientific information for reaching compatibility decisions.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Alaska who has helped me greatly with the concerns that I have had on this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just in closing would like to thank the gentleman from Michigan. He was the father of the Refuge Act as far as this Congress goes and what occurred in the past. He has been very supportive. His staff has been extremely supportive.

But more than that, JOHN DINGELL has been a true sportsman all through the career I have known him. He has gone to Alaska. He has participated in Alaska sporting activities. He has seen what can be done and what should be done, and it is truly a conservation award that he should be receiving with this legislation.

What we have done here today is trying to improve the Act to make sure that we gain that support for a bill that has worked very well in the past, a position that can be worked well in the future. This working together can work for the conservation and for the sportsmen of America.

Mr. Chairman, today we are considering a substitute for H.R. 1675, the National Wildlife Refuge Improvement Act of 1996. This substitute is the result of many months of hard work and negotiations with the Department of Defense and Interior, interested Members, and many outside groups, and it goes a long way towards resolving concerns the administration had about earlier versions of the bill.

The National Wildlife Refuge System contains 508 wildlife refuges located throughout the United States, and comprises 91.7 million acres of Federal lands. These refuges are multiuse lands that offer recreational opportunities to millions of Americans each year. In fact, fishing and hunting occurs on over half of the refuges, more than 90 percent of the acreage in the System. Nearly 30 million people visit refuges each year to observe wildlife and over 50,000 students enjoy environmental education activities.

Over the last 30 years since the last major refuge reform legislation was enacted, a series of government reports and congressional hearings have found that the System needs a more standardized, centralized management regime. This bill addresses these findings. Under current law—the Refuge Recreation Act of 1962 and the National Wildlife Refuge Administration Act of 1966: there is no statutory list of purposes for the National Wildlife Refuge System; there is no statutory definition of what constitutes a ''compatible use'' of a refuge. As a result, individual refuge managers have broad discretion to prevent certain recreational activities and they are subject to tremendous pressure from various interest groups; refuges are not managed as a national system because of the lack of centralized guidelines from the Fish and Wildlife Service; secondary uses, such as fishing and hunting, are prohibited on new refuge lands until boundary studies, environmental assessments, and management plans are completed. This can take years; when a compatibility determination is made by a refuge manager, the public is denied any opportunity to comment on proposed changes or restrictions; and there is no requirement to complete comprehensive conservation plans for any of the 508 refuges. In fact, the Fish and Wildlife Service admits that it has completed such plans for only a fraction of all refuges.

The Young-Dingell substitute solves these problems. It establishes a nationwide set of purposes for the refuge system. These purposes are: (1) to provide a network of lands and waters to conserve fish, wildlife, and plants and their habitats; (2) to conserve, manage, and restore fish and wildlife populations, plant communities, and refuge habitats; (3) to conserve and manage migratory birds, interjurisdictional fish species, and marine mammals; (4) to provide opportunities for compatible fish- and wildlife-dependent recreational uses of refuges, including fishing and hunting, wildlife observation, and environmental education; (5) to preserve, restore, and recover threatened or endangered species; and (6) to fulfill international treaty obligations with respect to fish, wildlife, and plants.

The substitute statutorily defines ''compatible use'' by using the exact language the U.S.

Fish and Wildlife Service has used for many years and is currently found in their operating regulations. While a refuge manager will retain the power to determine what is a ''compatible use'', this definition should provide the guidance needed to make the proper decision.

The bill allows traditional wildlife-dependent recreation—that is, hunting, fishing, wildlife observation, and environmental education—to continue during the interim period after the acquisition but before the implementation of a management plan.

The author of this ''open until closed'' provision is the gentleman from New Jersey, JIM SAXTON. It is an essential change because there are a growing number of Americans who are angry and frustrated over the Service's land acquisition process. These Americans have worked hard to protect certain lands, they have contributed millions of dollars to the purchase of refuge lands, and they have found, much to their dismay, that for no rational reason their favorite fishing spot is now off limits during an open-ended period of governmental studies.

This is a wrong-headed policy and I compliment JIM SAXTON for his contribution to restoring confidence to the System.

This bill requires conservation plans for each refuge within 15 years of enactment. It is important that we know what kind of archaeological, natural, or wildlife resources exist on these refuges. This inventory has been a goal of the environmental community for many years.

This substitute bill incorporates the President's March 25, 1996 Wildlife Refuge Executive Order, and his ''Directives to the Secretary'' are codified in section 5, the Administration of the System.

The substitute stipulates that no funds may be spent from the Land and Water Conservation Fund for the creation of a new wildlife refuge without a specific congressional authorization.

In the past, more than $1 billion in taxpayer money has been appropriated from this fund to acquire refuge lands. This money has been spent with little oversight from congressional authorizing committees and without the checks and balances of the Migratory Bird Commission. Congress must have a role in this process, and we should authorize new wildlife refuge units just as we authorize new parks, flood control projects, and weapons systems. In this way, private property owners and their tax dollars are well protected.

Finally, this substitute contains a number of other provisions negotiated with the Clinton administration. These include: overflights above a refuge, the eradication of aquatic nuisance species, and language allowing the President to exempt certain activities on military refuge lands because of national security reasons.

Much of the rhetoric surrounding this bill has been at best misleading. So I also want to make clear what this substitute does not do. It does not: permit or require hunting and fishing to occur on every wildlife refuge. These activities must be found ''compatible'' and must meet the three part of being based on sound fish and wildlife management practices, being fully consistent with the fundamental reasons the refuge was created, and not endangering public safety; affect Federal, State, or local water rights. This bill does not limit the ability of the Federal Government to secure water for a refuge; facilitate nonwildlife-dependent uses such as grazing, farming, mining, oil and gas development, jet skiing, et cetera. As under current law, nonwildlife-dependent uses may continue to occur when compatible, and when the Fish and Wildlife Service lacks legal authority or sufficient ownership interest in the property to prevent them. But this bill does not mandate, enhance, or protect such uses; increase or decrease the size of any of the 508 refuge units; permit the pesticides not approved by the Fish and Wildlife Service to be used by row farmers or anyone else in the Refuge System; permit the commercialization of our Refuge System. To repeat, it is limited to wildlife-dependent uses. They are clearly defined as fishing, hunting, wildlife observation, and environmental education; and limit the Fish and Wildlife Service's ability to acquire lands at existing refuges. In fiscal year 1997, the Service proposes to spend $19.2 million to acquire new acreage for our Refuge System. This provision will not delay, stop, or otherwise affect those acquisitions.

This legislation is the product of many months of hearings, discussions, and revisions. This measure was reported by voice vote by both the subcommittee and the full committee.

This legislation is supported by the American Archery Council, the American Sportfishing Association, B.A.S.S., Inc., the California Waterfowl Association, Congressional Sportsmen's Foundation, Foundation for North American Wild Sheep, International Association of Fish and Wildlife Agencies, International Bowhunters Organization, Masters of Foxhounds Association of America, Mzuri Wildlife Foundation, National Rifle Association, National Wild Turkey Federation, New Jersey Federation of Sportsmen, North American Waterfowl Federation, Quail Unlimited, Ruffed Grouse Society, Safari Club International, Wildlife Forever, and the Wildlife Legislative Fund of America. It has also been endorsed by the Congressional Sportsmen's Caucus, which has a membership of 204 Members of this body.

Mr. Chairman, H.R. 1675 is a sound piece of conservation legislation that reaffirms the legacy of President Theodore Roosevelt and the vision of the National Wildlife Refuge System Administration Act of 1966.

Finally, I want to express my sincere appreciation to the highly distinguished gentleman from Michigan, JOHN DINGELL. Without his dedication, tireless commitment, and leadership, this effort would not have been achievable.

I urge an ''Aye'' vote on H.R. 1675.

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

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. GILLMOR, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1675) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes, pursuant to House Resolution 410, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

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

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 287, nays 138, not voting 7, as follows:

[Roll No 131]

YEAS—287

Allard	Clement	Ganske
Archer	Clinger	Gekas
Armey	Coble	Gephardt
Bachus	Coburn	Geren
Baesler	Collins (GA)	Gilchrest
Baker (CA)	Combest	Gillmor
Baker (LA)	Condit	Goodlatte
Ballenger	Cooley	Goodling
Barcia	Costello	Gordon
Barr	Cox	Goss
Barrett (NE)	Cramer	Graham
Bartlett	Crane	Green (TX)
Barton	Crapo	Greene (UT)
Bass	Cremeans	Greenwood
Bateman	Cubin	Gunderson
Bereuter	Cunningham	Gutknecht
Bevill	Danner	Hall (TX)
Bilbray	de la Garza	Hamilton
Bilirakis	Deal	Hancock
Bishop	DeLay	Harman
Bliley	Diaz-Balart	Hastert
Blute	Dickey	Hastings (WA)
Boehlert	Dingell	Hayes
Boehner	Doolittle	Hayworth
Bonilla	Dornan	Hefley
Bono	Doyle	Hefner
Boucher	Dreier	Heineman
Brewster	Duncan	Herger
Browder	Dunn	Hilleary
Brown (FL)	Edwards	Hilliard
Brownback	Ehlers	Hobson
Bryant (TN)	Ehrlich	Hoekstra
Bunn	Emerson	Hoke
Bunning	English	Holden
Burr	Ensign	Horn
Burton	Everett	Hostettler
Buyer	Ewing	Houghton
Callahan	Fawell	Hoyer
Calvert	Fields (TX)	Hunter
Camp	Flake	Hutchinson
Canady	Flanagan	Hyde
Castle	Foley	Inglis
Chabot	Fowler	Istook
Chambliss	Fox	Jackson-Lee (TX)
Chapman	Franks (CT)	Johnson (SD)
Chenoweth	Frisa	Johnson, Sam
Christensen	Funderburk	Jones
Chrysler	Gallegly	

Kanjorski	Nethercutt	Shuster
Kaptur	Neumann	Sisisky
Kasich	Ney	Skeen
Kelly	Norwood	Skelton
Kim	Nussle	Smith (MI)
King	Oberstar	Smith (TX)
Kingston	Obey	Smith (WA)
Kleczka	Ortiz	Solomon
Klink	Orton	Souder
Klug	Oxley	Spence
Knollenberg	Packard	Spratt
Kolbe	Paxon	Stearns
LaHood	Payne (VA)	Stenholm
Largent	Peterson (FL)	Stockman
Latham	Peterson (MN)	Stump
LaTourette	Petri	Stupak
Laughlin	Pickett	Talent
Lewis (CA)	Pombo	Tanner
Lewis (KY)	Pomeroy	Tate
Lightfoot	Porter	Tauzin
Lincoln	Portman	Taylor (MS)
Linder	Poshard	Taylor (NC)
Livingston	Pryce	Tejeda
LoBiondo	Quillen	Thomas
Longley	Quinn	Thornberry
Lucas	Radanovich	Thornton
Luther	Rahall	Thurman
Manton	Ramstad	Tiahrt
Manzullo	Regula	Traficant
Martinez	Riggs	Upton
Mascara	Roberts	Volkmer
McCollum	Roemer	Vucanovich
McCrery	Rogers	Walker
McHugh	Rohrabacher	Walsh
McInnis	Ros-Lehtinen	Wamp
McIntosh	Roth	Ward
McKeon	Roukema	Watts (OK)
Metcalf	Royce	Weldon (FL)
Mica	Salmon	Weldon (PA)
Miller (FL)	Sawyer	Weller
Minge	Saxton	Whitfield
Molinari	Scarborough	Wicker
Mollohan	Schaefer	Williams
Montgomery	Schiff	Wise
Moorhead	Seastrand	Wolf
Murtha	Sensenbrenner	Young (AK)
Myers	Shadegg	Young (FL)
Myrick	Shaw	Zeliff

NAYS—138

Abercrombie	Furse	Morella
Andrews	Gejdenson	Nadler
Baldacci	Gibbons	Neal
Barrett (WI)	Gilman	Olver
Becerra	Gonzalez	Owens
Beilenson	Gutierrez	Pallone
Bentsen	Hall (OH)	Pastor
Berman	Hastings (FL)	Payne (NJ)
Bonior	Hinchey	Pelosi
Borski	Jackson (IL)	Rangel
Brown (CA)	Jacobs	Reed
Brown (OH)	Jefferson	Richardson
Bryant (TX)	Johnson (CT)	Rivers
Campbell	Johnson, E. B.	Rose
Cardin	Johnston	Roybal-Allard
Clay	Kennedy (MA)	Rush
Clayton	Kennedy (RI)	Sabo
Clyburn	Kennelly	Sanders
Coleman	Kildee	Sanford
Collins (IL)	LaFalce	Schumer
Collins (MI)	Lantos	Scott
Conyers	Lazio	Serrano
Coyne	Leach	Shays
Davis	Levin	Skaggs
DeFazio	Lewis (GA)	Slaughter
DeLauro	Lipinski	Smith (NJ)
Dellums	Lofgren	Stark
Deutsch	Lowey	Stokes
Dicks	Maloney	Studds
Dixon	Markey	Thompson
Doggett	Martini	Torkildsen
Dooley	Matsui	Torres
Durbin	McCarthy	Torricelli
Engel	McDermott	Towns
Eshoo	McHale	Velazquez
Evans	McKinney	Vento
Farr	McNulty	Visclosky
Fattah	Meehan	Waters
Fazio	Meek	Watt (NC)
Fields (LA)	Menendez	Waxman
Filner	Meyers	White
Forbes	Millender-McDonald	Woolsey
Ford	Miller (CA)	Wynn
Frank (MA)	Mink	Yates
Franks (NJ)	Moakley	Zimmer
Frelinghuysen	Moran	
Frost		

NOT VOTING—7

Ackerman	McDade	Wilson
Foglietta	Parker	
Hansen	Schroeder	

☐ 1656

The Clerk announced the following pair:

On this vote:

Mr. McDade for, with Mr. Ackerman against.

Messrs. FRELINGHUYSEN, DAVIS, CLAY, THOMPSON, MOAKLEY, and LAZIO of New York, Mrs. JOHNSON of Connecticut, and Mrs. MEYERS of Kansas changed their vote from ''yea'' to nay''

Mr. KLINK and Mrs. CUBIN changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1675, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1675, NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1675, the Clerk be authorized to make technical and conforming changes as are necessary to reflect the actions of the House on the bill just passed.

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

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4 OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–535) on the resolution (H. Res. 412) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

☐ 1700

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1202

Mr. COBLE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1202.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill earlier today: Senate 735, to deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on last Wednesday, April 17, 1996, I was away from the floor because of a family medical emergency. Had I been present I would have voted ''no'' on rollcall No. 121, on H.R. 842; and on rollcall 122, final passage on H.R. 842, I would have voted ''yes.''

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was absent on Thursday, April 18, for a family medical emergency. Had I been present on rollcall 123, House Resolution 406, honoring Ron Brown, I would have voted ''yes.'' On rollcall vote 124, ordering the previous question on S. 735, the antiterrorism bill, I would have voted ''no.'' On rollcall vote 125, on S. 735, I would have voted ''no.'' On rollcall 126, final passage, S. 735, I would have voted ''yes.''

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 175. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

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 SPEAKER pro tempore. Under a previous order of the House, and gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

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

STATEMENT ON ARMENIAN GENOCIDE

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

Mr. PALLONE. Mr. Speaker, today, April 24, marks the 81st anniversary of the unleasing of the Armenian genocide, one of the most horrible events of the 20th century and probably in all of human history.

Mr. Speaker, each year Members of Congress from both the House and Senate take time to honor the memory of the 1.5 million Armenian men, women, and children who were slaughtered during the final years of the Ottoman Turkish Empire. I am proud to continue this congressional tradition today. I am joining with the gentleman from Illinois [Mr. PORTER] and other Members from both sides in these 5-minute special orders.

Mr. Speaker, between the years 1915 and 1923 in the Ottoman Turkish Empire, there were 1.5 million Armenians slaughtered and another 500,000 forced to leave from their homelands. What happened was not a series of random atrocities but a systematic policy of deportation, separation of family members, slave labor, torture, and murder. Although the killings finally ended in 1923, efforts to erase all traces of the Armenian presence in what is now eastern Turkey continued, such as the changing of geographical names and the destruction of Armenian religious and cultural monuments. This was the first genocide of the 20th century, a precursor to the Nazi Holocaust and the other cases of ethnic cleansing and mass extermination of peoples in our own time. We must call it by its correct name: genocide.

Yet to this day, the Government of Turkey maintains its disgraceful policy of denying that the genocide ever took place. The facts contradict those denials. The historical record, including documented accounts from American eyewitnesses, proves that the rulers of the Ottoman Empire, conceived in the name of Turkish national ideology, planned and carried out a program to eliminate ethnic minorities, especially the Armenians. The record includes the eyewitness accounts of journalists and diplomats on the scene and the eloquent and horrifying testimony of the survivors. The historic record is clear. At that time the word genocide had not yet been coined, but genocide is what it was. Yet there were no Nuremberg trials. There has been no official atonement by the Turkish nation. In fact, statements by me and other Members of Congress about the Armenian genocide are routinely dismissed by Turkey's Ambassador to the United States.

We must continue to persuade Turkey, the recipient of hundreds of millions of dollars each year in United States aid, to officially acknowledge the truth, and in our own time we must insist that Turkey lift its illegal blockades of Armenia and accept the Armenian government's offer to normalize relations without preconditions.

Just a few weeks ago, Mr. Speaker, the Turkish President came to Washington on a state visit. For anyone who has held out the hope that the President would offer an olive branch of reconciliation to the Armenian people, the visit was a major disappointment, though not a major surprise. The Government of Turkey refused to lift the blockade of Armenia and accept the offer of the Government of Armenia to normalize relations without preconditions.

Sadly, Mr. Speaker, United States administrations have also avoided using the term genocide in describing what happened 80 years ago, no doubt under heavy pressure from the Government of Turkey. While President Clinton and his predecessors have acknowledged the Armenian people were the victims of tragic massacres, these Presidential statements have never sufficiently conveyed the full extent of the evil that occurred. Clearly this entire shameful and appalling period of history meets every definition of the term genocide.

Earlier this month, the gentleman from Illinois [Mr. PORTER] and I, as cochairmen of the Caucus on Armenian Issues, asked our colleagues to join us in urging the President to make a much stronger statement acknowledging the genocide. Fifty-nine Members of Congress signed on. Last year many of us signed a similar letter. Sadly, although President Clinton last year issued a powerful statement, he carefully avoided the word genocide. I want you to know that I support President Clinton on many issues and he has shown strong support for many pro-Armenian initiatives. He has appointed a special United States negotiator for the Nagorno-Karabagh situation, and the United States Agency for International Development has devoted great resources to Armenia, but I have no problem putting the President on the spot on the question of calling the genocide by its proper name. It is very important and a clear-cut case of doing the right thing.

Mr. Speaker, I want to say that while the purpose of our ceremony today is a solemn remembrance of a tragedy that affected an entire people, I would like to say a few words about the present and the future. The survivors of the genocide, their sons and daughters and grandchildren, have refused to accept the effort by the Ottoman Turks to destroy the Armenian people. In fact, in the decades since, the Armenian people have flourished.

One of the most inspiring events of recent years has been the emergence of the Republic of Armenia, and we as Americans must support the Republic of Armenia. It has, through great difficulty, registered positive growth in its gross domestic product. It has moved forward with the process of democratization. It has been having elections.

But the people of Armenia still need our help. They need American help now. Last year, in the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, again primarily through Congressman PORTER's help, $85 million in United States humanitarian aid was provided to Armenia, plus an additional $30 million for development assistance. Last year's foreign operations bill also included the Humanitarian Aid Corridor Act, which bars aid to Turkey for as long as Turkey blocks the delivery of United States aid to Armenia.

There are a number of things our caucus has been doing, and I am sure other Members tonight will also talk about more of them. But the main thing, Mr. Speaker, is we must continue our support for the Republic of Armenia, improving relations between the two countries, because that is one way that we can make it clear why this genocide, when it took place 80 years ago, was so wrong and what the accomplishments of the Armenian people have been since that time.

Mr. Speaker, today, April 24, 1996, marks the 81st anniversary of the unleashing of the Armenian genocide, one of the most horrible events of the 20th century, and in all of human history.

Each year Members of Congress from both the House and the Senate take time to honor the memory of the 1.5 million Armenian men, women, and children who were slaughtered during the final years of the Ottoman Turkish Empire. I am proud to continue this proud congressional tradition today.

I am joining with the gentleman from Illinois [Mr. PORTER] and other members from both sides in the aisle in a series of 5-minute special orders to commemorate this tragic anniversary. Other Members are submitting statements in writing testifying to their deep concern about this issue.

Mr. Speaker, between the years 1915 and 1923, in the Ottoman Turkish Empire, 1.5 million Armenians were slaughtered and another 500,000 were forced to leave from their homelands. What happened was not a series of random atrocities, but a systematic policy of deportations, separation of family members, slave labor, torture, and murder. Although the killings finally ended in 1923 efforts to erase all traces of the Armenian presence in what is now eastern Turkey continued, such as the changing of geographical names and the destruction of Armenian religious and cultural monuments. This was the first genocide of the 20th century, a precursor to the Nazi Holocaust and the other case of ethnic cleaning and mass extermination of peoples in our own time. We must call it by its correct name: genocide.

Yet, to this day, the Government of Turkey maintains its disgraceful policy of denying that the genocide ever took place. But the facts contradict these denials: The historical record, including documented accounts from American eyewitnesses, proves that the rules of the Ottoman Empire conceived, in the name of Turkish nationalist ideology, planned and carried out a program to eliminate ethnic minorities, especially the Armenians. The record includes the eyewitness accounts of journalists

and diplomats on the scene, and the eloquent and horrifying testimony of the survivors. The historic record is clear. At that time, the word genocide had not yet been coined, but genocide is what it was. Yet there were no Nuremberg trials. These has been no official atonement by the Turkish nation. In fact, statements by me and other Members of Congress about the Armenian genocide are routinely dismissed by Turkey's Ambassador to the United States.

We must continue to persuade Turkey, the recipient of hundreds of millions of dollars each year in United States aid, to officially acknowledge the truth. And in our own time, we must insist that Turkey lift its illegal blockade of Armenia and accept the Armenian government's offer to normalize relations without preconditions.

Just a few weeks ago, the Turkish President came to Washington on a state visit. For anyone who has held out the hope that President Demirel would offer an olive branch of reconciliation to the Armenian people, the visit was a major disappointment—though not a major surprise. The Government of Turkey refuses to lift its blockade of Armenia and to accept the offer of the Government of Armenia to normalize relations without preconditions.

Sadly, United States administrations have also avoided using the term ''genocide'' in describing what happened 80 years ago—no doubt under heavy pressure from the Government of Turkey. While President Clinton and his predecessors have acknowledged that the Armenian people were the victims of tragic massacres, these Presidential statements have never sufficiently conveyed the full extent of the evil that occurred. Clearly, this entire shameful and appalling period of history meets every definition of the term ''genocide.''

Earlier this month, Congressman PORTER and I, as cochairmen of the Caucus on Armenian Issues, asked our colleagues to join us in urging the President to make a much stronger statement acknowledging the genocide. Fifty-nine Members of Congress signed on. Last year, many of us signed a similar letter to the President. Sadly, although President Clinton last year issued a powerful statement, he carefully avoided the word ''genocide.'' I support President Clinton on many issues, and he has shown strong support for many pro-Armenian initiatives. He has appointed a special U.S. negotiator for the Nagorno-Karabakh situation, and the U.S. Agency for International Development [AID] has devoted great resources to Armenia. But I have no problem putting the President on the spot on the question of calling the genocide by its proper name. It is so very important, and such a clear-cut case of doing the right thing.

While the purpose of today's ceremony is a solemn remembrance of a tragedy that affected an entire people, I would like to say a few words about the present and the future. The survivors of the genocide, their sons and daughters and their grandchildren, have refused to accept the effort by the Ottoman Turks to destroy the Armenian people. In fact, in the decades since, the Armenian people have flourished. The Armenians who came to the United States and their descendants have made tremendous contributions to our business, professional, and cultural life. Armenians have made new lives and significant contributions in many other countries.

One of the most inspiring events of recent years has been the emergence of the Republic of Armenia. Rising out of the ashes of the former Soviet Union, the Republic of Armenia has shown a remarkable resilience, a commitment to democracy and a market economy. And it has not been easy: Armenia has been squeezed by cruel and illegal blockades imposed by modern Armenia's two neighbors, Turkey and Azerbaijan. Some of the noises coming out of Moscow, about a reunited Soviet Union, are most troubling. In spite of these difficulties, Armenia has been the only former Soviet Republic to register positive growth in its gross domestic product. The Republic of Armenia also moves forward with the process of democratization, having held Parliamentary elections last year and planning for Presidential elections this year.

But the people of Armenia need our help—American help—now. We must do everything possible to make sure that they get that assistance, and many of my colleagues are working equally hard.

The foreign operations appropriations for fiscal year 1996 provided $85 million in U.S. humanitarian aid, plus an additional $30 million for development assistance. Last year's foreign operations bill also included the Humanitarian Aid Corridor Act, which bars aid to Turkey for as long as Turkey blocks the delivery of United States aid to Armenia. We are working to have this provision reenacted, and to make sure that the administration strictly enforces this law. In addition, last year's foreign aid bill had a cut in aid to Turkey, as a direct statement of disapproval for Turkey's actions with regards to the Armenian blockade, as well as the mistreatment of the Kurdish people, its occupation of Cyprus and its generally bad human rights record. I find it incredible that a country that gets $600 million in U.S. taxpayers' funds can get away with blocking the delivery of American humanitarian assistance to its small, struggling neighbor.

Another way we can help Armenia is by ending the illegal blockade imposed by Armenia's neighbor to the east, Azerbaijan. Current U.S. law blocks the provision of American assistance to Azerbaijan until the Azeris lift their blockade. Unfortunately, last year, legislation to waive this law was included in the foreign operations bill. This year, we will try to be more vigilant to make sure that Azerbaijan is not rewarded for failure to comply with the conditions of United States under the Freedom Support Act.

Last year, Congressman PORTER and I founded the Congressional Caucus on Armenian Issues, to be a voice for a stronger United States-Armenia partnership and to better represent the interests of the Armenian-American community. We now have 49 Members, from both parties and all regions of the country. There is a lot of sympathy and moral support for Armenia in the Congress, in the administration, among state legislators around the country, and among the American people in general. But we should not kid ourselves: we are up against very strong forces, in the State Department and the Pentagon who believe we must continue to appease Turkey, and among United States and international business interests whose concerns with profits and sources of raw materials outweigh their concerns for the people of Armenia.

In closing, let me pay particular tribute to the survivors of the genocide. The horrors you have witnessed and experienced are unspeakable. Yet we must never forget what happened to you, your brothers and sisters, mothers and fathers, friends, and neighbors. I will do all that I can to keep alive the memory of what happened to the Armenian people in the past—and to play a role in working for a brighter future for the Armenian people.

Mr. THOMAS. Mr. Speaker, today, I join in commemoration of the 81st anniversary of the Armenian genocide. On April 24, 1915, under the direction of the Turkish Ottoman Empire, a campaign of Armenian extermination began. Armenian religious, political, and intellectual leaders from Istanbul were arrested and exiled—silencing the leading representatives of the Armenian community in the Ottoman Empire. Over the next 8 years, 1.5 million Armenians were murdered, with another 500,000 forced into Russian exile. Today we recognize the struggle of the Armenian people to live peacefully in their historic homeland.

Armenians in the United States and elsewhere should know that their history of suffering has not and will not be ignored. Like the Jewish and Cambodian holocausts, the Armenian genocide stands out as one of the world's most morally reprehensible acts. We need to address and trace the causal factors leading to the rise of totalitarian governments, and ensure that the seeds of fascism are never again planted.

On this day, we should remember those Armenians who died 81 years ago. I have cosponsored House Concurrent Resolution 47, which would put the House on record honoring the memory of the 1.5 million genocide victims. The House should pass this resolution and send a message to the world that we will never forget what happened during that terrible period in history and that we reaffirm our resolve to ensure that no nation will ever again have the opportunity to participate in mass genocide.

Mr. SCHUMER. Mr. Speaker, I rise today to join with my colleagues in remembering and paying tribute to the victims of the Armenian genocide. The tragedy of these murders cannot be overestimated—millions lost, a generation of mothers and fathers, children and grandchildren killed. I rise in solidarity with the people of the Armenian-American community, as well as with the people of Armenia, because I feel a connection through tragedy with them. I share that disabling sense of loss that many in the Armenian community feel because I lost members of my family in another Holocaust at the hands of the Nazis. I believe it is vitally important to talk about these heartbreaking events, to keep the spirit of those who died alive for the benefit of the world. And we must continue to call attention to the horror and the inhumanity of genocide whenever it takes place.

The Armenians who perished at the hands of the young Turk Committee between the years of 1915 and 1923 were people like you and me—they had raised families, worked hard, enjoyed holidays together, had petty arguments, shared joys and sorrows. These people, just like you and me, were killed because of who they were, and even today, 81 years later, this chills us to the bone.

The atrocities began on April 24, 1915, when 200 Armenian religious, political, and intellectual leaders from Istanbul were arrested and exiled from their community in the Ottoman capital. Over the next 8 years, more than 1 million men, women, and children experienced deportation, forced labor, and in some

cases, torture and extermination. This tragedy set the tone for an entire century in which crimes against humanity plague our history books and continue to cover the front page of newspapers.

I am convinced of one thing—the Armenian genocide existed. We know it did. The National Archives holds the most comprehensive documentation in the world on this historic tragedy, over 30,000 pages. More importantly, I have talked with those who survived it. Armenians suffered then, and continue to do so, whenever the atrocity is denied.

I think the most important thing we can do as a nation is acknowledge this tragedy and continue to pay tribute to those Armenians who perished under such terrible circumstances. it is my hope that by preserving these victims and their terrible experiences in our communal memory, we not only honor them, but may even prevent similar situations in the future from occurring.

Mrs. KENNELLY. Mr. Speaker, today, on the 81st anniversary of the Armenian genocide, I rise to commemorate the lives of the 1.5 million Armenians who were enslaved, tortured and exterminated from 1915 to 1923 by the Ottoman Empire.

On this day in 1915, Armenian intellectuals, clergy and leaders were rounded up and taken to their deaths. What was to follow was the ethnic cleansing of the native homeland of the Armenian people. Over a period of 8 years, 1.5 million Armenians were murdered and another 500,000 were deported. Before World War I, over 2 million Armenians lived in the Ottoman Empire. By 1923, the entire population of Anatolia and Western Armenia had been killed or deported.

This was the first genocide of the 20th century, and, tragically, it was not the last. Prior to the invasion of Poland, Adolf Hitler asked, ''Who today remembers the extermination of the Armenians?'' In a climate where no one remembered, the death camps became a reality.

Today, as the slaughter continues in Bosnia and Rwanda, it is more important than ever to remember—and to stand up to oppose genocide, systematic extermination, or ethnic cleansing. I have cosponsored H. Con Res. 47, a resolution commemorating the Armenian genocide, because of my belief that we must never forget the victims of this terrible act, and that we must always be prepared to prevent further crimes against humanity.

Mr. KENNEDY of Rhode Island. Mr. Speaker, one of the most profound calls to action ever written emerged from the Holocaust. Martin Niemuller expressed so well the guilty anguish of silence:

> First they came for the Socialists, and I did not speak out because I was not a socialist.
> Then they came for the trade unionists, and I did not speak out because I was not a trade unionist.
> Then they came for the Jews, and I did not speak because I was not a Jew.
> Then they came for me and there was no one left to speak for me.

This quote is telling because it can be said as much for the Armenian genocide as the Jewish Holocaust.

In fact, it has not been lost on historians of this century that the failure to recognize the Armenian genocide for what it was made it easier, not harder, for evil men like Hitler to believe they could do the same.

Today we in Congress are solemnly observing the tragedy of the Armenian genocide.

By observing this event we honor the bravery and courage of those who survived and we honor the memory of those who perished.

By observing this event we take a small step toward ensuring that such horrors will never occur again.

I am honored today to rise on behalf of Rhode Island's Armenian community—a vital and dynamic group that has made an incalculable contribution to the life of my State.

During my years in the Rhode Island General Assembly I joined my colleagues in consistently passing resolutions commemorating the Armenian genocide.

Additionally, we passed a resolution that condemned the removal of a photograph from the Ellis Island Museum which depicted horrors visited upon Armenians. Rhode Island was the first State in the Nation to issue such a resolution.

We can not erase the past by hiding it. We can not make today better by ignoring yesterday. While history may not be pleasant, it is grossly irresponsible to refuse to face the past and all the truths it contains. This photo was restored and visitors were allowed to see the past and learn from history.

As has often been remarked, those who forget the past are condemned to repeat it. Because of that ever-present risk we must all work to always remember and never forget the genocide, to cherish and preserve the Armenian culture, and to continue to fight for human rights and peace in this region.

Not until all Armenians are safe and secure, protected from harm and threat, will our work be done. Not until that day will our cause be won.

Not until that day can we rest.

Mr. VISCLOSKY. Mr. Speaker, I rise today to commemorate the 81st anniversary of the Armenian genocide. Each year, I join my House colleagues from both sides of the aisle in remembering the terrible atrocities that have been committed by Turkey against the Armenian people.

Members of Congress rise in this chamber every spring to publicly remember the genocide, but far too often these words and speeches are quickly forgotten. Far too often, people want nothing more than to forget that mankind can be so cruel. Far too often, people whisper quietly in the dark among themselves about how such a terrible thing as the Armenian genocide could never happen again.

Mr. Speaker, those people who whisper such words are wrong, terribly wrong. First, I would like to talk about how the Armenian genocide began. It began on April 24, 1915, when over 400 religious, political, and intellectual leaders of the Armenian community in Constantinople were executed by the Turkish Government. Thus began a war of ethnic genocide by the Ottoman Empire against Armenians that finally ended in 1923, when over half of the world's Armenian population—an estimated 1.5 million men, women, and children—had been killed. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia was dead.

While it is important to remember this horrible fact of history in order to help comfort the survivors, we must also remain eternally vigilant in order to protect Armenia from new and more hostile aggressors. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Turkey and other countries are attempting to break Armenia down by maintaining a crushing and total blockade against this free nation.

For five consecutive years, Turkey and the former Soviet Republic of Azerbaijan have maintained a blockade of Armenia and Nagorno-Karabagh. The blockade has cut off the transport of food, fuel, medicine, and all other commodities. The blockade has driven over 90 percent of Armenia's population below a poverty level of $1.00 a day. As many as one-fifth of Armenia's 3.6 million people have fled the country. Because of the ongoing blockade and long winters without heat, thousands of Armenians have died from the harsh cold. These deaths are on Turkish hands, just as the deaths of 1.5 million Armenians earlier this century are on Turkish hands.

Last year, I led the fight in the House of Representatives to protect Armenia from this vicious blockade by Turkey and Azerbaijan by stripping out a provision in the fiscal year 1996 Foreign Operations appropriations bill that would have allowed the United Stated Government to provide direct cash payments to the Government of Azerbaijan before Azerbaijan had lifted its blockade of Armenia.

My amendment was approved by a voice vote, demonstrating widespread bipartisan support among House members for maintaining the strict sanctions against the Azerbaijani Government. There were over 2 hours of debate on the amendment, during which both Republicans and Democrats spoke strongly in favor of keeping prior U.S. law in place.

Although it has suffered greatly, Armenia is once again a sovereign, independent country. Its people are strong and determined to succeed. I am proud to support Armenia and the many noble ideals it represents. It is my sincere hope that the United States continues to strengthen its relationship with the nation and the people of Armenia.

Towards that end, I am extremely pleased that a strong and vibrant Armenian-American community is flourishing in northwest Indiana. In fact, my predecessor in the House of Representatives, the late Adam Benjamin, was of Armenian heritage. There are still strong ties to the Armenian homeland among Armenian-Americans. During the devastating Armenian winter of 1992–1993, Mrs. Vicki Hovanessian and her husband, Dr. Raffy Hovanessian, residents of Indiana's First Congressional district, helped to raise over $750,000 for purchases of winter rescue supplies of heating fuel and foodstuffs. In the last 12 months, alone, the Hovanessians have raised over $1,000,000 for charitable and educational purposes in Armenia and the United States. Two other Armenian families in my congressional district, Heratch and Sonya Doumanian and Ara and Rosy Yeretsian, have also contributed countless hours and resources toward charitable works in the United States and Armenia. One of the notable causes for which they have worked is the Saint Nersses Seminary in New York, which sponsors an exchange program between the United States and Armenia for new seminarians. I commend these generous families for their hard work and dedication to charitable giving.

In closing, I would like to commend my colleagues, Representatives PORTER and PALLONE, for organizing this special order to commemorate the 81st anniversary of the Armenian genocide. This remembrance will not

only console the survivors and their families, but it may also serve to avert future atrocities.

Mr. FARR of California. Mr. Speaker, this is a solemn day in the history of the modern world. Eighty-one years ago today began a period of systematic persecution of the Armenian people—what would become one of the more terrible cases of state-sponsored terrorism against an ethnic group.

Beginning with the execution of some 200 leaders from the Armenian community on April 24, 1915, Armenians in Turkey were subjected to cruel and brutal treatment. Those of Armenian descent serving in the Ottoman army were subjected to forced labor and later executed. Women were raped or forced into prostitution. Thousands of men, women, and children were forced to leave their villages and either killed outright or sent on death marches through the desert, where they suffered horribly from disease and starvation.

When it was all over, nearly 10 years later, 1½ million Armenians were dead—victims of torture, executions, and forced labor—and hundreds of thousands of others were refugees. The terrible results of this systematic persecution can still be seen today: where once over 2 million Armenians lived in Ottoman Turkey, less than 80,000 live in the region today.

Many years have passed since the Armenian genocide, but we must never forget what happened to the Armenians of Ottoman Turkey solely because of their ethnicity. We must make sure that our children, and their children, learn about the genocide and understand the circumstances which led to such a horrific event in history.

In remembering the millions who died so tragically and unnecessarily, we would be well to remind ourselves of what the terrible effects of racism and bigotry can be. When a nation sees political gain in supporting ethnic persecution, as Ottoman Turkey did in persecuting the Armenian people, the result can only be disaster and tragedy.

We must also remember that individual cases of persecution are often followed by more extreme measures. The Armenian genocide of 1915–1923 had followed decades of anti-Armenian persecution in Ottoman Turkey.

For these reasons, we must never, never tolerate discrimination or bigotry in any form, whether it comes from a single individual or a whole government. We must work together to ensure that such a horrible tragedy as befell the Armenian people never happens again.

Mrs. KELLY. Mr. Speaker, I am pleased to stand and join with my colleagues in commemorating the 81st anniversary of the Armenian genocide. I would like to thank the other members of the Congressional Caucus on Armenian Issues, and particularly the cochairmen, Mr. PORTER and Mr. PALLONE, for their tireless efforts in organizing this fitting tribute.

On April 24, 1915, 81 years ago today, the nightmare in Armenia began. Hundreds of Armenian religious, political, and educational leaders were arrested, exiled, and murdered. These events marked the beginning of the systematic execution of the Armenian people by the Ottoman Empire, and also launched the first genocide of the 20th century. Over the next 8 years, 1.5 million Armenians were put to their deaths and more than 500,000 more were exiled from their homes. The details of these atrocities are among the most cruel and inhumane acts that have ever been recorded.

As we reflect today on the horrors that were initiated 81 years ago, I cannot help but be disturbed by the forces who wish to discredit or deny that these deeds occurred. Despite the overwhelming evidence to the contrary—eyewitness accounts, official archives, photographic evidence, diplomatic reports, and testimony of survivors—they reject the claim that genocide, or any other crime for that matter, was perpetrated against Armenians. Well, History tells a different story.

Let me read a quote from Henry Morgenthau, Sr., United States Ambassador to the Ottoman Empire at the time, which helps to set the record straight. He said, ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact * * *.''

The world knows the truth about this sad episode of human affairs. We will not allow those who wish to rewrite history to absolve themselves from responsibility for their actions. This evening's event here in the House of Representatives is testament to that fact. I would like to once again thank the organizers of this event and I would like to once again reaffirm my sincere thanks for being given the opportunity to participate in this solemn remembrance.

Mr. ZIMMER. Mr. Speaker, it is a privilege to join my colleagues today in remembering and honoring the 1½ million Armenians who were victims of a brutal campaign of genocide between 1915 and 1923 by the Ottoman Empire and its successor state.

This systematic campaign of murder and forced exile is one of the darkest events in this century, and as we recognize it we should also vow to do whatever we can to help prevent such atrocities again.

Today, we honor those who fell in the Armenian genocide. But we also honor the spirit of perseverance and courage that has enabled Armenians to transcend such horrible destruction by surviving not only as individuals but also as a vital people.

Eighty years after the onset of the genocide, Armenia is an independent, democratic state. It was the first among the former Soviet republics to privatize agricultural land and livestock production, and it is working hard to build a strong economy despite tremendous obstacles, both natural and manmade. The 1988 earthquake continues to leave deep scars, and the blockade of Armenia's rail lines and roads has severely limited international trade. Turkey's refusal to allow humanitarian relief to pass through its territory to Armenia also has taken a tragic human toll.

Armenians time and again have displayed enormous courage in the face of adversity, and it is that quality that we commemorate the most here today, even as we honor those Armenians who suffered the evil of the genocide eight decades ago.

Ms. ROUKEMA. Mr. Speaker, today we mourn the 1.5 million victims of an unspeakable 8-year genocide carried out 81 years ago.

From 1915 to 1923, over 1.5 million Armenians living in Turkey were systemically murdered by the Ottoman Empire. And, throughout history, the world has experienced other horrible acts of cruelty such as the killing of 12 million in the Holocaust, ethnic cleansing/tribal warfare in Bosnia and Rwanda and, most recently, the bombing in Oklahoma City. That is why it is so important for us to remember this senseless tragedy every year—so that we remain vigilant in our efforts to promote peace and democracy throughout the world in order to help prevent such atrocious crimes from repeating themselves. Only by remembering such heinous acts can we move forward as a nation.

As we pay tribute to those Armenians who lost their lives, we must also continue to denounce racism, sexism, anti-semitism, bigotry, religious persecution, and ethnic violence both in the United States and throughout the world. And, taking the necessary steps to eradicate these prejudices will allow us to celebrate the many contributions that all groups of people have made to our country.

As the world took steps to end the tremendous suffering endured over 80 years ago, thousands of Armenians came to the United States in search of better lives. Today, they, their children, and their children's children represent what is best in America. Having one of this Nation's largest Armenian community's in my district, I am proud to say that their strong sense of work ethic and family values, among other things, is a model for other families to follow.

But, despite everything that has been achieved over the past 81 years, we cannot forget the plight that Armenia continues to face. In the middle of the Nagorno-Karabagh conflict, Armenia finds itself in a struggle for survival. Not only must the international community continue to increase its efforts to bring about democracy and stability in the TransCaucuses, but the United States must also must continue its resolve to restore security in the region and cleanse it of ethnic hatred.

All of us will forever remember this horrible tragedy. But, by working together with other countries to resolve present international conflicts, we will hopefully never have to speak about a similar tragedy in the future.

Mr. DOOLEY of California. Mr. Speaker, I rise today to join my colleagues once again in remembrance of the Armenian genocide.

In commemorating this terrible human tragedy, it is important for us to remember other such tragedies that have occurred throughout history. In recent years, the horrifying reports of systematic ethnic cleansing and other atrocities in the war-ravaged former Yugoslavia have demanded the attention and response of the Western world. The Balkan conflict has proven to be a very powerful and chilling reminder that if such aggression is ignored, an event much like the Jewish Holocaust can all to easily occur again.

The events of the Balkan conflict have brought the Jewish Holocaust back to the center of human consciousness regarding the history of human tragedies and genocide. While it is important to remember that tragedy, we must not forget that Adolf Hitler's plan for the final solution was rooted in the Armenian genocide. Today, we must remember the Armenian genocide and reflect upon the suffering endured by Armenia and her people.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

However great the loss of human life and homeland that occurred during the genocide, a greater tragedy would be to forget that the Armenian genocide ever happened. Adolf Hitler, predicted that no one would remember the atrocities and human suffering endured by the Armenians, years prior to unleashing his plans for the Jewish Holocaust. After all, he claimed, ''Who remembers the Armenians?'' Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish Government—to this day—refuses to acknowledge the Armenian genocide.

The 81st anniversary also brings to my mind the current plight of the Armenian people, who are still immersed in tragedy and violence. The unrest between Armenian and Azerbaijan continues in the enclave of Nagorno-Karabagh. Thousands of innocent people have already perished in this dispute, and still many more have been displaced and are homeless. In fact, families from my own district in central California have become tragically involved in this conflict.

In the face of this difficult situation comes an opportunity for reconciliation. Now is the time for Armenia and its neighbors, including Turkey, to come together, to work toward a sustaining peace and to rebuild relationships between countries. The first step, must be to recognize the facts of history, however painful or awkward that may be.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. Now numbering nearly one million, the Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud tradition of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, ''Who remembers the Armenians?''

Today our commemoration of the Armenian genocide speaks directly to that end, and I answer—We do.

Mr. DURBIN. Mr. Speaker, I rise to honor the memory of the victims of the Armenian genocide.

Today is the 81st anniversary of the beginning of the genocide that ultimately took the lives of one-and-a-half million Armenian men, women and children. On April 24, 1915, 200 Armenian religious, intellectual and political leaders in Constantinople were arrested by the Government of the Ottoman Empire and murdered. It was the beginning of the first genocide of the 20th century, and it continued until 1923. It was a vicious, organized crime against humanity that included murder, deportation, torture and slave labor.

The permanent exhibition of the United States Holocaust Memorial Museum, just a few blocks from here, contains an excerpt from a speech by Adolf Hitler which says: ''Who after all, speaks today of the annihilation of the Armenians?'' Mr. Speaker, that is why we must speak today about the Armenian genocide of 1915–23. So that no individual or government can ever think that such a crime against humanity will be forgotten. By commemorating the 81st anniversary of the Armenian genocide we bring attention to an atrocity that most of the world knows very little about. It is a part of history that must not be forgotten.

The Armenian genocide was followed by a concerted effort to destroy any record of the Armenians in Asia Minor, including the destruction of religious and cultural monuments, and the changing of place names. I am saddened that there are those who would prefer to forget the Armenian genocide. To ignore it is to desecrate the memory of those who lost their lives. And such denial sends the message that genocide will be tolerated by the world.

To deny the genocide of the Armenians, or any atrocity of this scale, is to forsake the value we place on human life and the principles of liberty upon which this country is based. Those who turn a deaf ear to the Armenian genocide, knowingly or unknowingly, abet the future of genocide by failing to raise public consciousness about this tragic reality.

As we remember those whose lives were brutally taken during the Armenian genocide, we also pay tribute to the survivors—the living testimony of this historic crime—and to their families, many of whom are now Armenian-Americans. We must assure them that we, as the leaders of the democratic world, will not forget this tragedy, but rather gain the wisdom and knowledge necessary to ensure that we can prevent its repetition.

The surest way to honor the memory of the victims of the Armenian genocide and all crimes against humanity is to recognize their suffering and ensure that these acts are never repeated. As we pause to reflect upon this grievous example of man's inhumanity to man, let us strengthen our conviction that such atrocities never be allowed to happen again.

Mr. MARKEY. Mr. Speaker, on this solemn day of remembrance I join Armenians throughout the United States and around the world in commemorating the genocide of innocent Armenian men, women, and children slaughtered with ruthless precision during the closing days of the Ottoman Empire. It is crucial that we recall the chilling events of this dark chapter in world history, face the historical facts directly and without hesitation, and dedicate ourselves to preventing such atrocities in the future.

The historical record shows that in 1915, a systematic massacre of Armenian religious, political, and intellectual leaders began. Continuing until 1923, the cruelty and ruthlessness which marked this campaign of terror still shock the conscience more than 80 years later. Between 1915 and 1923, 1.5 million Armenians lost their lives, and more than 500 thousand were expelled from their homes. Innocent Armenians were rounded up and sent away to unknown destinations to be murdered. Uncovered by a researcher only a few years ago, a report from a United States consul stationed in eastern Turkey from 1914 to 1917 provides disturbing details of this coordinated effort to commit genocide against the Armenian people. This record of cold-blooded murder is harrowing.

Despite the calculated attempt to purge the Armenian people from their land and erase Armenian culture and traditions, today the Republic of Armenia is working to establish a vital and progressive nation built upon democratic institutions. The Armenian Government has drafted a constitution, launched a program of industrial reform, privatized agricultural land, and made substantial progress in small-enterprise privatization. Armenia also has taken steps toward resolving the Karabakh conflict and moved to stabilize its economy based upon free-market principles.

I am pleased that our Government has recognized the importance of Armenia and has been working closely with international lending institutions to help ease Armenia's transition to a market economy. Through a comprehensive assistance program, USAID has funded numerous initiatives in Armenia, including one aimed at improving the distribution of much-needed commodities such as kerosene. Armenia has cooperated with the World Bank and the International Monetary Fund, made the difficult fiscal decisions necessary to construct a market-based economy, and steadily progressed towards a free and open democratic system.

As we mark the anniversary of the Armenian genocide, we join with our Armenian friends in remembering those who lost their lives in the early years of this century. While we reflect upon the past and dedicate ourselves to preserving the history of this humanitarian disaster, we also look forward. We look forward to a future in which Armenia will, we hope, grow prosperous, achieve economic strength, and, above all else, enjoy peace.

Mr. BERMAN. Mr. Speaker, I rise today in commemoration of the Armenian genocide.

The genocide committed against the Armenian people in the late 19th century and the early years of our own ranks among the worst such occurrences in human history. That it took place during the supposedly civilized ''modern'' era makes the crime all the more abysmal—and the need to commemorate it that much more important. The essential features of the story can be summarized briefly. As the 19th century drew to a close, authorities in the crumbling Ottoman Empire decided to crack down against a growing movement for Armenian autonomy. After enduring brutal persecution, the Armenians refused to pay the taxes levied by their oppressors. As a result, thousands of innocent civilians lost their lives and thousands more witnessed the destruction of their homes—all because the Ottoman Government wanted to teach them a lesson.

When the Armenians sought to publicize their plight by seizing a government building in Constantinople, government forces instigated a vicious pogrom during which over 50,000 perished. Several years later during the First World War, Armenian service in the Allied cause prompted the Turkish authorities to order the deportation of almost the entire Armenian population from their homeland to two distant provinces of the Turkish Empire, Syria and Palestine. Well over 1 million died during this long forced march, many thousands at the hands of government soldiers and many more from disease and malnutrition.

Sadly, we have not managed to escape the consequences of these atrocities. The legacy of bitterness is readily observable in central Asia, where memories of past injustice have complicated the search for peace and stability in Nagorno-Karabakh. The Humanitarian Corridor Act is another echo of the tragedy that occurred so many years ago. We would have had less reason to prepare such legislation if we did not also have to deal with ethnic conflict in the Caucasus.

One bright element did emerge from what befell the Armenians. As the horror continued, thousands of Armenians came to this country; many of their heirs now live in my own State of California, where they have established an enviable record of prosperity and service to the United States and to the broader world

community. To them, we all owe a considerable debt of gratitude.

The achievements of Armenian-Americans demonstrate once more that it is possible to pay homage to one's ancestors while rising above the traumas of the past and embracing the opportunities of the here and now. This spirit is one element—no doubt, an essential one—of the American genius. Let us pray that it begins to animate all the people of the Caucasus region. Without a willingness among all parties to put aside ancient feuds while working jointly to resolve the problems of the present day, it will be impossible for the region to achieve even half of what Armenian-Americans have managed to do in less than a century.

Mr. Speaker, please permit me to close by altering slightly what I said at the outset. Even though this is indeed a day of commemoration for the thousands who perished in the Armenian genocide, we must not forget the great duty of those now living to prepare a better world for generations to come.

Mr. DELLUMS. Mr. Speaker, I rise today to discuss genocide. According to the Genocide Convention, genocide constitutes killings and other acts done ''with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.'' Genocide has occurred throughout history. Genocide is a crime that has been committed far too many times than we want to acknowledge. It has been committed by many peoples against those perceived as ethnically or religiously different. Many of its perpetrators have gone unpunished; many of its victims have gone unrecognized.

We are immediately reminded of the genocide committed by the Nazi Germans against the European Jews during World War II. Mournful remembrance of its 6 million victims was commemorated by this body this past week. Less known is the genocide committed by the Nazi Germans against the Slavic peoples during World War II. More recently, we are reminded of the genocide committed by the Hutus against the Tutsis in Rwanda beginning April 6, 1994. One million were estimated killed; 2 million were forced to flee to neighboring countries. Neither can we forget the genocide committed during the past 5 years by the Orthodox Christian Serbs against the Muslim Slavs in the former Yugoslavia. The total number dead and homeless have yet to be determined. In addition to these, we need to be reminded of another—the genocide of Armenians by the Ottoman Turks, which occurred between 1915 and 1923. Although this persecution claimed the lives of 1.5 million people and resulted in the forced deportation of 500,000 people, too few of us are even aware of its occurrence.

The Genocide Convention entered into force January 12, 1951. It was ratified by the United States on February 23, 1989. It confirms that ''genocide, whether committed in time of peace or in time of war, is a crime under international law.'' The convention recognizes that every nation in the world has an obligation ''to prevent and punish'' genocide. As a world power, the United States must do whatever it can to ensure that perpetrators of genocide are brought to justice and to ensure that genocide never happens again. As representatives of the American people, we must speak out and condemn genocide wherever it has occurred. Each of us, individually and collectively, has a moral obligation to acknowledge the wrongs of the past and to ensure that they are never again allowed to occur.

Mr. HOYER. Mr. Speaker, April 24 marks the commemoration of the massacre of Armenians in Turkey during and after the First World War. In what historians refer to as the first of this century's state-ordered genocides against a minority group, more than 1.5 million people were murdered. We mourn the dead and express our condolences to the descendants of those who perished. We must also reflect upon the meaning and lessons of their suffering and sacrifice.

As many have observed, the massacres and deportations inflicted upon the Armenian community during that period were to mark this century of horrors. Civilian populations, defined by ethnic, racial, or religious distinctiveness, have become the objects of persecution and genocide simply because of who they are—Armenian Christians, European Jews, Bosnian Muslims. The range of victims—geographical, ethnic, religious, and political—testifies to the universality of human cruelty and fanaticism. The response of the survivors, however, testifies to the indestructibility and the resilence of the human spirit, even in the face of the most virulent evil.

Like the phoenix of mythology, the Armenian people survived its bleakest days and arose with renewed vigor. Armenians' sense of national identity has been strengthened and the Armenian language is flourishing. Most important, independent Armenian statehood has been restored to guarantee the security and future of the nation. However, independent Armenia, the realized promise and the living memorial to the victims of 1915 and later years, has endured a difficult rebirth. The Nagorno-Karabakh conflict has cost thousands of lives, created hundreds of thousands of refugees, and kept the entire region from enjoying the blessings of independence. Blockaded by its neighbors, Armenia's people have suffered through cold, hunger and deprivation. But their spirit remains sturdy, and their sacrifices link them in an unbreakable bond with past generations of Armenians.

It is our fervent hope, Mr. Speaker, that future generations will not have to sacrifice as their ancestors have. It is also our hope that all parties to the conflict in Nagorno-Karabakh will build on the now 2-year-old cease-fire and renew their efforts through the OSCE process to reach a negotiated settlement. Nothing could honor the memory of the victims of 1915 more than a free, prosperous Armenia living in peace with all its neighbors, and moving and impressing the world with both the spiritual and material products of the unbreakable Armenian spirit.

Mr. WAXMAN. Mr. Speaker, I want to express my appreciation to Mr. PALLONE and Mr. PORTER for holding this special order today to commemorate the Armenian genocide.

Approximately 6 million people of Armenian descent live in the United States. The elderly among them still have memories of the systematic persecution of Armenians during the years of the Ottoman Empire, and the accounts of this terrible crime against humanity have been passed down through the generations.

It is impossible to comprehend all of the genocidal horrors that were perpetrated against the Armenians during this dark time. In a few short years, approximately 1½ million ethnic Armenians were killed. Another one-half million were driven from their homes, robbed of their property, and saw every sign and symbol of their religion and culture obliterated and replaced with Turkish nationalist symbols.

Journalist Marjorie Hagopian reported that when the Nazis contemplated the destruction of the Jewish people, one of the leaders asked whether or not there would be world repercussions for the planned atrocities. Hitler is said to have responded, ''Who cared about the Armenians?''

Would that the moral outrage of past atrocities against Armenians, Jews, Romany—gypsies, gays, labor leaders, intellectuals, and clergy prevent any such occurrence again. Sadly, even today we see in the former Yugoslavia gross violations of human rights, ''ethnic cleansing,'' massive forced relocation of populations, and other horrors for which the Armenian genocide was a horrible precedent.

April 24 has been set aside to remind us of George Santayana's prophetic warning that those who forget history are doomed to repeat it. Today we honor the memory of the victims of the Armenian genocide and reaffirm our unwavering commitment to fight all crimes against humanity.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in commemorating the 81st anniversary of the Armenian genocide of 1915 to 1923 and pay tribute to the more than 1.5 million Armenians killed by the Turkish Ottoman Empire. I commend my colleagues, Congressman PORTER and Congressman PALLONE, for arranging this special order to observe this horrific event in world history.

On April 24, 81 years ago, the Ottoman Turkish Government launched their systematic and deliberate campaign of genocide against the Armenian people. This violent campaign resulted in the deaths of over one-third of the Armenian population living in the Ottoman Empire and the exile of approximately 500,000 Armenians from their homeland.

Unfortunately, the persecution of the Armenians did not end in 1923, but continues today. Since 1988, the Nagorno-Karabakh conflict involving Armenia and Azerbaijan, has left more than 1,500 Armenians dead and hundreds of thousands of refugees in the three territories. A withering blockade of economic disruption has made everyday life a struggle for Armenians. Acquiring necessities for survival has become a great obstacle.

As a member of the congressional Armenian caucus, I have been working with my colleagues on the caucus on issues which effect the Armenian community. Recently, I joined my colleagues in sending the President a letter asking him to join the congressional Armenian caucus to issue a strong statement of commemoration and to honor the memory of the survivors of the Armenian genocide. In addition, I urge my colleagues to join me in cosponsoring House Concurrent Resolution 47, honoring the memory of the victims of the Armenian genocide. It calls for the United States to encourage the Republic of Turkey to acknowledge and commemorate the atrocity committed against the Armenian population of the Ottoman Empire from 1915 to 1923.

New York State is one of the few States which has offered a human rights/genocide curricula for teachers to use at their discretion, which includes the story of the Armenian genocide. Educational programs such as this will allow our children to learn about the tragic past in Armenian history, ensuring a peaceful existence for future generations.

It is my hope that next year when we remember the 82d anniversary of Armenian Martyrs Day we will be able to celebrate a restored peace to the Armenian people and confidently proclaim that ''never again'' will the world allow such a senseless tragedy to occur.

Mr. DREIER. Mr. Speaker, there is a well-worn saying that ''Time heals all wounds.'' As we reflected this past weekend on the one-year anniversary of the tragedy in Oklahoma City, we drew some solace from it. Mercifully, the immediate pain and sadness of that most horrendous American terrorist act in history have passed. However, while we draw comfort from the passing of time, it does not mean that we are expected or should forget.

This is an especially poignant time to recall another horrible act of hate and evil, the genocide committed against the Armenian people in Turkey 81 years ago. Just as we will never forget the terrorism committed in Oklahoma, it is important that we not forget the 1.5 million Armenian men and women and children who were brutally murdered in the inaugural genocide of the 20th century.

Each year, Americans, and not just Armenian-Americans, come together on this occasion. We do so to do more than simply remember that the Armenians were the first victims of what sadly has become man's bloodiest century. Rather, we each hope that raising the consciousness of past atrocities helps prevent similar tragedies in the future.

With tragedy so near and so fresh in our minds, we are easily reminded that hate and evil are unfortunate aspects of the human condition. However, it is our responsibility as Americans to remain vigilant against hate, violence, and intolerance, whenever and wherever it rears its ugly head.

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

Mr. BLUTE. Mr. Speaker, I am pleased to join my colleagues for this commemoration, and I thank Mr. PORTER and Mr. PALLONE for arranging it.

Recent history has seen the Armenian people subjected to a number of very difficult, troubling and tragic circumstances. From being forced to live under the Soviet communist regime, to the terrible 1988 earthquake—much worse than any this Nation has ever seen, to the present blockade and violence imposed by the Azeris.

The Armenian people have long suffered.

But nothing is more tragic than the genocide which took place from 1915 to 1923. One and one-half million died, countless more lost mothers and fathers, sons and daughters, uncles and aunts, comrades and friends.

We stand here, more than half a century later, to ensure that others will not forget.

Not forget the massacres. Not forget the persecution. Not forget the death marches. Not forget the bloodshed. And not forget that all citizens in the world deserve to live in freedom without the threat of destruction by people that hate.

That is why it is important we commemorate this 81st anniversary of the Armenian genocide. We can not afford to let the people of this world forget that genocide can, and does happen. Already, this decade has been marred by events in Rwanda and the former Yugoslavia.

In light of the sorry events in those countries we must do everything in our power to make sure the people of the world remember the genocide in Armenia 81 years ago. For, if we forget the past we will be condemned to repeat it.

As part of this effort the distinguished minority whip, Congressman BONIOR and I introduced House Concurrent Resolution 47. This resolution would put the House on record honoring the memory of the 1.5 million genocide victims. The House must pass this resolution and send a message to the world that we can never forget.

Furthermore, we are hosting a congressional reception next week and encourage all Members to take a moment out of their schedules to honor the survivors and the memories of the victims of this dark event in world history.

Mr. GILMAN. Mr. Speaker, I am pleased to be able to join today in the special order organized by my colleagues, Congressman JOHN PORTER and Congressman FRANK PALLONE, to honor the 81st anniversary of the Armenian genocide. It has in fact been my privilege to participate in such observances throughout the time that I have served in the U.S. Congress.

Eighty-one years is certainly a long time, but the memory of the atrocities committed by the former Ottoman Empire at that time against those of Armenian descent still burns in the consciousness of Armenian-Americans. This is indeed an important occasion, not just for Armenian-Americans, but for all those concerned by human rights abuses and by campaigns of genocide.

Our observance of this anniversary can serve as a reminder that such atrocities will not be forgotten. That, in itself, is very important. It is also equally important, however, to take this opportunity to think of those innocent men, women, and children who fell victim to this genocidal campaign in 1915 and the years immediately following. Their lives were abruptly ended—in a brutal and revolting manner—but they can come to life in our memories each year at this time. Those of their descendants who migrated to the United States after this terrible event still carry the memory of these unfortunate victims on this day and every day, and I believe that their ancestors would be proud to know how those who lived through this terrible event worked hard to make a new, prosperous life as citizens of their adopted land, the United States of America—and how they worked hard to keep their memory alive.

Mr. Speaker, once again, I thank my colleagues for arranging this special order on this important anniversary.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues tonight in commemorating the 81st anniversary of the Armenian genocide. It is a testament to the Members of the Chamber that year after year we stand in the well of the House and pay tribute to the memory of the 1.5 million Armenian who were systematically slaughtered by the Ottoman Turks from 1915 to 1923.

Mr. Speaker, April 24, 1915, represents a tragic day in the history of the Armenian people. It is a day that has left an indelible mark on the consciousness of mankind. Eighty-one years ago, the Ottoman Turks unleashed the forces of hatred upon Armenian men, women, and children in a deliberate policy of extermination. On this fateful night, the Ottoman turks ruthlessly rounded up and targeted for elimination Armenian religious, political, and intellectual leaders.

For 8 bloody years a reign of terror-ruled the daily lives of Armenians in the Ottoman empire. For 8, long, horrific years, Armenians were consumed by the fires of racial and religious intolerance. Tragically, by the end of 1923, the entire Armenian population of Anatolia and western Armenian had been either killed or deported.

On the eve of launching the jewish Holocaust, Adolph Hitler commented to his generals, ''Who, after all, speaks of the annihilation of the Armenians?'' Mr. Speaker, the Members of the U.S. Congress speak of the annihilation of the Armenians. We speak out tonight so that future generations of Americans will know the facts surrounding the first genocide of the 20th century. We observe this solemn anniversary, along with the Armenian-American community and the people of Armenia, so that no one will be able to deny the undeniable.

Many of the survivors of the Armenian genocide established new lives in America, contributing their considerable talents and energy to the economic prosperity and cultural diversity of our great Nation. Therefore, Mr. Speaker, it is with a sense of gratitude toward Americans of Armenian descent and a deep sense of moral obligation that I join my colleagues in honoring the memory of these fallen victims of genocide. They are not forgotten.

Mr. SMITH of New Jersey. Mr. Speaker, I rise to commemorate the Armenian genocide, as we do every year on April 24. This is a time of solemn remembrance, as Armenians everywhere set apart this day to mark the genocide perpetrated against them by the Ottoman empire in 1915 and afterwards. For friends of Armenians, this is an occasion to express condolences and to show solidarity with the worldwide Armenian community.

We not only mourn with them the loss of some 1.5 million Armenians but we voice our determination to prevent any such horrors from recurring. Unfortunately, the Armenian genocide was only the first in this bloody century of horrors. Since then, powerful states have singled out and massacred other ethnic, racial or religious minorities, and to judge by the atrocities committed in this decade in Yugoslavia, human cruelty knows no bounds of geography, race or religion.

Neverthleless, Armenians—the first victims of genocide this century—have served as models of strength, steadfastness and resistance. The most important target of resistance is amnesia. Armenians have taught us the lesson that some events are too important not to recall—no matter how painful—for the particular nation in question, and for all of us, but equally important is the lesson that a nation's hopes do not flicker out with the loss of so many of its children. Instead of being defeated, the wound can steel the soul and fertilize dreams of freedom and security.

Today, an independent Armenian state guarantees the security and future of the nation. Despite all the difficulties and travails of the last few years, Armenia has defended its people and will continue to do so. For our part, we today signal our commitment to foster all efforts to resolve the causes of tension between Armenia and its neighbors. The road to peace and normal relations among the states of Transcaucasia is arduous, but it must be pursued by all the peoples of the region with the decisiveness and strength that Armenians have demonstrated in keeping alive their traditions and striving for freedom.

Mrs. MORELLA. Mr. Speaker, it brings me no pleasure to stand before you in rememberance of the tragedy that mars this day in history. But the silent denial of wrongdoing that continues to accompany this date 81 years after the fact underscores the importance of this special order. April 24 stands as a black mark on the historical calendar; for the victims of the Armenian genocide perpetrated by an unapologetic government, I must call attention to these horrible deeds.

It was on April 24, 1915, that the Ottoman empire commenced a genocidal cleansing unlike any that had come before. In seizing 200 Armenian religious, political, and intellectual leaders on this date, the Ottomans announced that Armenians would no longer be considered worthy of the basic human rights which must be afforded to all humanity. For the next 8 years they would brutally demonstrate the extant of these beliefs as they slaughtered 1.5 million Armenian men, women, and children, and forced another half million from their homes.

On this solemn day, we must pay homage to the uncompensated families for whom this day brings nothing but sorrow. The genocide of the Armenian people has never been recognized by the Turkish Government; no apology or reparations have been made. Instead, 81 years later, the wholesale slaughter of human beings goes unrecognized and unpunished. This day stands in infamy as a precursor to the atrocities of Hitler, the unspeakable acts in Rwanda, and the recent attempts acts of ethnic cleansing in Bosnia-Herzebovina. In allowing these deeds to go unpunished we have said to the world that these heinous crimes are acceptable, that the rights of mankind are not universal. But human rights are not malleable ideas, subject to the whims of a nation and the inhumanity of its leaders, and the bonds which one person imposes on another can not be tolerated by a nation based on the concept of liberty and the rule of law. It is for these reasons that we must continue to honor this date, and in honoring it remember the evil of which we are capable.

In honor of the 1.5 million Armenians who lost their lives for no reason other than their heritage, we must ensure that the rights of humanity are protected regardless of the false boundaries of nationalism. We are all children of the same Creator; if we are not our brother's keeper, there will be no brother left in our hour of need. As we have said of the Holocaust, we say of this too, never again.

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. PORTER. Mr. Speaker, we mark the 81st anniversary of the Armenian genocide, which did not occur in 1 year, 1915, but lasted over an 8-year period from 1915 to 1923, during which time the Turks of the Ottoman Empire carried out a systematic policy of eliminating its Christian Armenian minority. This was the first example of genocide in the 20th century, a precursor to the Nazi Holocaust and other cases of ethnic cleansing and mass extermination in our own time; and we must never forget it, for forgetting history not only dishonors the victims and survivors, it encourages other tyrants to believe that they can kill with impunity.

Mr. Speaker, today's occasion is, of course, a time for solemn reflection, but it is also an occasion that affords us the opportunity to celebrate the human capacity of resilience, the ability even of people faced with the most horrendous disasters and challenges to rebuild their shattered lives. We can see this determination to overcome such an atrocious past in those of Armenian descent.

On a national level, the struggle for survival and the sense of a hope for a better future can be seen by the very existence of the young, independent, democratic Republic of Armenia.

Despite the preponderance of evidence about the historic fact of the genocide against the Armenian people, which is strong and undeniable, modern Turkey continues to deny that the Armenian genocide took place. While various Turkish sources expressed the view that certain unfortunate incidents took place, it denies there was ever any systematic ethnically based policy targeted against the Armenian people. There are those who say we should not offend our Turkish allies by using the word genocide, but let us call it what it was. It was genocide, a most horrible genocide where over 1.5 million people, including women and children, lost their lives and over 500,000 Armenians were killed, eradicating the Armenian historic homeland from Turkey.

Let us remind ourselves that our country and the rest of the world at that time turned away and did nothing to prevent these horrible human rights violations against innocent men, women, and children.

☐ 1715

The problems we face from Turkey historically with Armenia have not gone away, and they are continuing now in a different form against another minority people. Let us remind ourselves as well that today in Turkey another genocide is occurring by the Turkish Government against yet another Turkish minority, the Kurdish people.

Today, thousands of Turkish troops have not only driven through the southeastern portion of Turkey, executing those in the Kurdish minority who oppose them burning and tearing down Kurdish towns, but also crossed into the border in Iraq to attack Kurdish people in their refugee camps. And let us remind ourselves, Mr. Speaker, that our Government has not acted to prevent this additional genocide, but has actually supported this action against an innocent people.

We remind ourselves today of our responsibilities to other human beings, and in commemorating the 81st anniversary of the Armenian genocide, each one of us should say to ourselves we are our brother's keeper, and that we do have a responsibility to others to stand up and tell the world that a genocide occurred in 1915 to 1923, and that another is occurring today.

This past year in hammering out the fiscal 1996 foreign funding bill, the Foreign Operations Subcommittee sent a strong message to Turkey that we will not sit idly by as they commit egregious human rights violations not only against their own but also against their smaller struggling neighbors, including Armenia. We cut their economic assistance in the last year, Mr. Speaker.

We passed the Humanitarian Aid Corridor Act, which ensures that any country that henceforth prevents transit of U.S. humanitarian aid intended for other people will forfeit all U.S. economic military and military assistance, and we provided to the Armenian people support of $85 million of aid for food, fuel and medical supplies and an additional $30 million for economic and technical assistance.

We have made great progress in the last years in helping to establish a new Armenia, an Armenia that is free and democratic and forging ahead to provide through economic freedom a greater economic life to its people and a greater stability for its future.

Mr. Speaker, we have made that commitment previously. We have to renew it this year. Even in tough budgetary times, we ought to realize that, if we can prevent the kind of foreign assistance, provide the kind of foreign assistance to Armenia, a struggling young country that does reflect the values that this country stands for and believes in, we will do a great deal to extend those values across the world.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order.

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

There was no objection.

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

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

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to join my colleagues in marking

one of the most appalling violations of human rights in all of human history—as today marks the 81st anniversary of the Armenian genocide.

I want to commend my colleagues JOHN PORTER of Illinois and FRANK PALLONE of New Jersey, the cochairs of the Congressional Caucus on Armenian Issues, for sponsoring this special order.

The great Armenian massacre which took place between 1915 to 1916, shocked public opinion in the United States and Western Europe. As Henry Morgenthau, Sr., the former U.S. Ambassador to the Ottoman Empire, stated:

I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

Mr. Speaker, in reality, this atrocity lasted over an 8-year period from 1915 to 1923. During this time, the Ottoman Empire carried out a systematic policy of eliminating its Christian Armenian population.

As a Greek-American, I have always felt a special kinship for the Armenian people. My Greek ancestors like those of Armenian descent, have also suffered at the hands of the Ottoman Empire, and as my colleagues may know, I hold a special order every year to celebrate Greek independence from over 400 years of Turkish oppression.

Mr. Speaker, I am proud to have cosponsored House Concurrent Resolution 47, which honors the memory of the victims of the Armenian genocide.

I have also joined my colleagues in sending a letter to President Clinton expressing disappointment in the fact that he used the word ''massacres'' rather than the word ''genocide'' to describe this systematic annihilation of 1.5 million Armenians. In my opinion this distinction is more than a matter of semantics; it is rather the difference between a random series of atrocities and a systematic, ethnically based policy of extermination.

In closing, Mr. Speaker, I would like to ask that we take a moment to reflect upon the hardships endured by the Armenians. In the face of adversity the Armenian people have persevered. The survivors of the genocide and their descendants have made great contributions to every country in which they have settled—including the United States, where Armenians have made their mark in business, the professions, and our cultural life. Commemorate seems the wrong word to use, Mr. Speaker, but it is fitting and right that we mark this dark event today. For it is only through focusing on it that we hold out hope for the future that no such event will occur again.

COMMEMORATING THE EIGHTY-FIRST ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. BONIOR. Mr. Speaker, I also would like to commend my colleagues, the gentleman from New Jersey, FRANK PALLONE, and the gentleman from Illinois, JOHN PORTER, for taking out this commemorative of the 81st anniversary of the Armenian genocide.

Mr. Speaker, beginning on the night of April 24 in 1915, the religious and intellectual leaders of the Armenian community of Constantinople were taken from their beds, imprisoned, tortured, and killed.

In the days that followed, the remaining males over 15 years of age were gathered in cities, towns, and villages throughout Ottoman Turkey, roped together, marched to nearby uninhabited areas, and killed.

Innocent women and children were forced to march through barren wastelands—urged on by whips and clubs—denied food and water.

And when they dared to step out of line, they were repeatedly attacked, robbed, raped, and ultimately killed.

When all was said and done, 1½ million Armenians lay dead, and a homeland which had stood for 3,000 years was nearly completely depopulated.

Mr. Speaker, we come to the floor this evening to remember the victims—and the survivors—of the Armenian genocide.

As we come to this floor, we do so with the knowledge that all of us have a responsibility to remember the victims, to speak out and to make sure that tragedies like this are never allowed to happen again.

That's one of the reasons why some of us have introduced a resolution, House Concurrent Resolution 47, sponsored by over 150 of our colleagues to remember the victims of the Armenian genocide.

Now more than ever, those of us who embrace democracy have a responsibility to speak out for all those who live under tyranny.

Because sadly, the world does not seem to have learned the lessons of the past.

We have seen bloodshed this decade in places like Bosnia and Nagorno Karabakh.

American leadership has helped to bring about a chance for peace in Bosnia.

Now we must do the same in Nagorno Karabakh.

For most Americans, Nagorno Karabakh is not a place that registers on the radar screen, for it is not a CNN war.

But it is a place where 100,000 people have been killed or wounded over the past 7 years, and 1 million others have been left homeless.

Mr. Speaker, we're all hopeful that this terrible tragedy ends soon. We're all hopeful that the case-fire in place for 2 years continues to hold while work continues to bring about a lasting peace.

People are slowly starting to return to their homes.

In recent months, our administration, the Russian government, the OSCE Minsk Group, Turkey, Azerbaijan, and Armenia have all begun efforts to resolve the conflict.

But our efforts must be intensified, and the integrity and security of the Armenians in Nagorno Karabakh must be guaranteed as we move forward.

We must also continue to speak out against the refusal of Turkey to allow humanitarian aid to flow into Armenia.

Mr. Speaker, we now have a provision in law, section 562, that cuts off aid to any country, that restricts the transport or delivery of U.S. humanitarian assistance.

It is utterly unconscionable to me that a country who is an ally of ours, who is a member of NATO, and who accepts U.S. aid, would think it has the right to block U.S. humanitarian assistance.

The third largest recipient of U.S. assistance must know that section 562 will be enforced and the aid will stop unless it ends its blockade of Armenia.

Mr. Speaker, we must pause today and say ''Never again.''

We can forget that in 1939, another leader used the Armenian genocide as justification for his own genocide.

This leader said, and I quote:

I have given orders to my death units to exterminate without mercy or pity, men, women, and children belonging to the Polish-speaking race. After all,

Adolf Hitler asked,

who today remembers the extermination of the Armenians?

Mr. Speaker, it is up to all of us to remember.

For centuries, the Armenian people have shown great courage and great strength.

The least we can do is match their courage with our commitment.

Because in the end, we are their voices and we must do all we can to remember.

Because if we don't, nobody else will.

ARMENIAN GENOCIDE

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

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 academics 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, DC, Los Angeles, and in my district in Fresno, CA. I have the honor of representing thousands of Armenians in California's Nineteenth 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 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 House Concurrent Resolution 47.

Remembering this genocide against the Armenians will help ensure that this type of tragedy is never allowed to occur again.

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

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

□ 1730

BRAD PELZER BONE MARROW DONOR DRIVE

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

Mr. MASCARA. Mr. Speaker, I rise tonight to plead the case of 11-year-old Brad Pelzer from my district who needs a bone marrow transplant. Brad is suffering from CML, an adult form of leukemia.

Until early this year, Brad Pelzer was a typical 5th grader at Charleroi Elementary Center, located in my hometown of Charleroi, PA. Brad, an honor student, enjoys playing soccer, deck hockey, and using his family's computer.

But in February Brad became ill and by the end of the month he was diagnosed with leukemia. Now Brad and his parents, Joe and Josie Pelzer, are engaged in a desperate search for someone whose bone marrow will match Brad's.

Brad's doctors say a transplant from such a donor will offer him his best hope for beating this very serious illness.

Like hundreds of other parents faced with a similar situation, Joe and Josie are mustering every ounce of courage and hope they can. After discovering no family members were a match for Brad, they sought the help of local blood bank officials. They have organized three donor drives over the next several weeks to seek a potential donor from the local community.

As the chart reflects, the first will be held tomorrow, April 25, from 11 a.m. to 4 p.m. at California University in California, PA. Donors should go to the performance center located in the student union.

The second will be held Saturday, April 27, from 8 a.m. to 2 p.m. in the north Charleroi fire hall. The third will be held Monday, May 6, from 9 a.m. to 1:45 p.m. in the first floor conference room of the Washington County Courthouse in Washington, PA.

Anyone who is 18 to 60 years old is invited to come and give blood and be tested. The reward would be so great—giving life to Brad.

It is very ironic to me that Brad's situation came to my attention at this time when the Nation is observing National Organ and Tissue Donor Awareness Week.

His family are long-time friends of mine, his grandparents, Leroy and Susan Rotolo and Rita Pelzer, are my neighbors. They are very lovely people. Good, solid citizens. And now they must rely upon the goodness of the rest of us to help them through this very trying and difficult ordeal.

Situations like this make you reflect on the blessings that have been bestowed upon us and how important it is to reach out and be kind and helpful to our neighbors and friends.

Having children and grandchildren of my own, I know exactly how Joe and Josie feel. They are looking for an answer and the miracle might be a person who is viewing these special orders tonight. You could be the one to reach out to Brad Pelzer and help save his life.

According to material marking National Donor Awareness Week, provided by Congressman MOAKLEY, a transplant recipient himself, at any given time 43,000 Americans are awaiting a transplant. They are rich and poor. They are old and young. And they all need our help.

The amazing thing is even if you live nowhere near Charleroi, PA, you can still help Brad Pelzer, and the thousands of other youngsters in need of a bone marrow transplant. The American Red Cross has set up a 1–800 number you can call to locate the nearest blood bank where you can be tested and added to the national bone marrow transplant registry.

Since the bone marrow transplant registry was established in the mid-1980's, over 1.6 million people have been added to the registry. Because the base of donors is growing each year, I am told that 60 percent of patients find a matched donor on their first search.

The bottom line is please attend one of the drives in my district, or call 1–800–MARROW–2, and help improve the chances for Brad.

His mom and dad, his brother, Brent, and his grandparents, are all praying that you will answer the call. Please help. Hang in there Brad—we'll find a match.

LYON COUNTY WANTS EPA TO HALT SUPERFUND CLEANUP

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

Mr. MICA. Mr. Speaker, I come before the House this evening to talk about the environment. Last evening, I spoke to my colleagues about education, and this has been Earth Day this week, and Earth Week. People talk about saving the environment. And last night I talked about paying more for education and getting less. Tonight I wanted to address the House and my colleagues about paying more for preserving and protecting the environment and getting less.

Just a few hours ago the House passed, I believe, the 13th or 14th continuing resolution, and that is a temporary resolution to fund the Government for one more day, and you know we have had a tremendous amount of difficulty in trying to nail down the budget and nail down the expenditures for this year that we are in, 6 months into.

What we have not been able to do on our side of the aisle is really tell the American people or convince a majority of our colleagues here that we, in fact, are paying more in education. Tonight I use as an example the environment and getting less for cleanup. And part of the contest that the Congress is engaged in is not just a question of how much more money you spend on these programs, but how you spend it: Are we protecting the environment?

One of the things that I have learned as chairman of the House Civil Service Committee is where the bodies are buried or where the public servants are working in the large bureaucracy we have, with so many people employed by the Federal Government. Particularly, my concern is Washington, DC, and then some of the regional offices, if you just take a minute and look at what part of this debate is about with EPA.

The total number of EPA employees has grown to almost 18,000 EPA employees. There are 6,000 EPA employees in Washington, DC. Now, that 6,000 is equal to about the total number of employees in EPA about a little over a

decade ago. If this were the only figure, this 17,000, it would be huge by any measure. But, in fact, you find thousands and thousands of contract employees. If you wonder where the rest of these employees are, there are 6,000 in Washington, there is another approximately 1,200, a 1,000 to 1,300 in 10 regional offices across the country.

When I get down to my State of Florida, we had a total, I believe, of 65 EPA employees in this particular fiscal year.

So people who think that EPA is out there in the States protecting the environment, it is not so. They are in Washington, and they are passing countless rules and regulations. A tremendous amount is spent on administration.

And then some of the programs we have heard talked about like Superfund. Superfund, I have explained to the House, over 80 percent of the funds on Superfund have been spent on attorney fees and studies.

I had a gentleman visit me in my office yesterday, and he said a Superfund site in Florida was identified in 1984. He said it went through a half a dozen project administrators and they still have not done anything to resolve the problems of the Superfund site. That is in Florida.

Here is a site in Nevada. Lyon County commissioners, and this is part of a release from them, asked the U.S. Environmental Protection Agency to halt mercury cleanup program of the Carson River. The mercury that they were going to clean up is left over from mining operations of the Comstock Lode in the 1800's.

Then we have another example, of Vermont here, Burlington, Vermont. Twelve years ago, after a site was picked there to clean up some hazardous waste left over from a coal gasification plant, nothing was done. They spent millions of dollars. Very little was done in the way of environmental cleanup.

So we are paying more, we are getting less, and the more I talk about this, the more examples that are brought for me from across the country, and that is part of the debate. Republicans favor protecting the environment, preserving the environment. Republicans favor clean water, clean air, clean land. But when you spend money like this, when the money goes for a bureaucracy like this, and it does not go for a cleanup, then we have a real problem.

I want to quote as I get towards the end here a comment from Carol Browner, EPA administrator, who said in the New York Times in 1993, in November: ''When I worked at the state level, I was constantly faced with rigid rules that made doing something 110 times more difficult and expensive than it needed to be. It makes no sense to have a program that raises costs while doing nothing to reduce environmental threats.''

Now, that is Carol Browner, former Florida EPA administrator, commenting on her experience in dealing with the Federal Government.

So, Mr. Speaker, I call on Carol Browner, I call on this administration, I call on my colleagues, to stop paying more and getting less. We can do a better job if we concentrate and effectively utilize our limited taxpayer dollars.

A SPECIAL DAY, A SPECIAL EVENT, AND VERY SPECIAL STUDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 5 minutes.

Mr. DE LA GARZA. Mr. Speaker, this past weekend I participated in an Earth Day celebration back home in my district. The event was a Hometown Trees celebration and took place at the Kika de la Garza Elementary school whose principal is Mr. Jose Louis Trigo.

We planted a live oak tree in remembrance of the children of the Oklahoma bombing tragedy. This was donated by first grader Amy Sojak and her classmates. Amy and her classmates are students of Miss Veronica Galvan. Fourth grade student Joel Espinoza was the master of ceremonies. And awards were presented to the following students for their essays which emphasized the special and unique benefits provided by trees: Victor Villarreal, Brandi Martinez, Andres Aguilar, Juan Carlos Lopez, and Denise Sepulveda.

What was particularly exciting about the occasion is that 10 year old Victor Villarreal was recognized as the Hometown Trees National Essay Contest Winner for the Southwest region. He is the son of Guadalupe and Francisca Villarreal.

Over the past 5 years, Hometown Trees, sponsored by IGA supermarkets, Louisiana-Pacific and Coca-Cola, has teamed up with thousands of local volunteers in communities nationwide to ensure that the future generations will enjoy the ecological and aesthetic benefits of trees. This year, as part of the Hometown Trees initiative, IGA sponsored a nationwide environmental essay contest for children age 12 and under.

Young Victor won the contest—quite an accomplishment and one of which he can be very proud. His essay was chosen for its uniqueness and creativity. It vividly captures the importance of trees from a child's perspective.

It reads: ''Trees are important in my hometown because at La Joya, 'The Jewel of the Valley,' we treasure trees—our jewels. They add that special spark that only nature can provide. Anything that mother nature creates, is a true treasure that no other power can originate. Treasure your jewels!''

To specifically honor Victor's accomplishment a tree donated by IGA and Carl's Grocery was planted. It will forever be a living monument to him. These trees will be enjoyed by all the community.

What made this occasion particularly unique for me is that I feel the sentiments expressed by Victory are shared by his fellow students. What I saw in the faces of the youngsters was an eagerness not just to participate in an event for the one day we officially recognize as Earth Day, but rather a desire to make every day Earth Day.

This tells me that as we celebrate this 26th Anniversary we have passed on to our children and grandchildren how important it is to look after our environment in the way we live our lives every day. That is quite an accomplishment—and Victor, and all of his fellow students, are quite an outstanding group of youngsters.

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. DINGELL. Mr. Speaker, I join all of my colleagues today in commemoration of April 24, 1996, the 81st anniversary of the Armenian genocide which occurred under such tragic circumstances 81 years ago, and it is my purpose to join with my colleagues to insist that such inhumanity never be repeated again.

Mr. Speaker, today we are recalling the loss of 1½ million Armenians who were killed and a half million more who were driven from Turkey. No person of any decency can do other than oppose this sort of inhumanity, and all join in a statement of hope for a world free of genocide and ethnic conflict.

I have the great privilege to represent a large and active Armenian population, many of whom have parents and grandparents who were amongst the persecuted religious, political, and intellectual leaders in the turn of the century Armenia.

Today's Michigan community of Armenians follow the great tradition of doing much to further the commercial, political, and intellectual growth of Michigan and of the country. It is my hope that today's effort to honor the victims and the survivors of this genocide will educate all of us, will educate our neighbors country men and all of the world's people so that peace remains a priority of this Nation.

Mr. Speaker, this is the 81st anniversary of the Armenian genocide. We look back to honor those who have died, but we also look forward and say, ''Never again.''

□ 1745

BUDGET SHORTFALL FOR NATIONAL SECURITY

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

Mr. HUNTER. Mr. Speaker, a couple of days ago I announced, along with the chairman of the Committee on National Security, that we were going to address a shortfall in funding under the Clinton administration budget that seriously impeded the capability of our pilots to operate their aircraft effectively and safely. That was done on the heels of the hearing in which we talked about the three, now four, F–14 crashes since the first of January and the three

AV–8B Harrier Marine Corps jet aircraft crashes since the first of January.

We talked about the fact that the Clinton administration is not going to spend the money to make the safety upgrades to 24 of the Marine aircraft that are going to be piloted by young Americans. The chairman of the full committee, my friend FLOYD SPENCE and I made the decision that we would commit to spend the money that was necessary to upgrade those aircraft so that they are 50 percent safer than they would otherwise be, and we also made the commitment to make the $83 million in safety upgrades to the F–14 aircraft.

It was an indication to me, Mr. Speaker, that the Clinton administration's defense budget, which has been slashed in excess of $150 billion below the budget put together by Dick Cheney and Chairman of the Joint Chiefs Colin Powell, it was another indication to me that this budget is coming apart at the seams.

Today I have the duty of reporting to my colleagues and to the American people that there is another indicator that the Clinton defense budget is coming apart at the seams. That indicator is that we now have examined the ammunition supplies that the U.S. Marine Corps will depend on in the two major regional conflict scenarios. That means if they should get involved in a conflict in the Middle East and at the same time be involved in a conflict on the Korean peninsula, would they have the ammunition to carry out both of those operations, which is a requirement that the President of the United States has told the American people the Marines will be able to meet.

The answer, Mr. Speaker, unfortunately is no. The Marines do not have the basic ammunition load necessary to carry out two major regional contingencies. Their ammo pouches in those contingencies will at some point be empty, and they will be empty because the Clinton administration is not willing to spend the money to put that ammo in their ammo pouches.

I have received now from the Marines a list of ammo that they need to be able to fight those contingencies for the American people, and that ammo list comes to $369 million. I have talked this over with the chairman of the full committee, the gentleman from South Carolina, FLOYD SPENCE, and we have agreed that we are going to commit today to fund that full ammunition load for the U.S. Marine Corps.

It makes no sense, and it certainly is greatly lacking in compassion and consideration for our military people to suit them up and move them around the world to project American power and protect American interests and freedom, and not give them the doggone ammunition that they need to get the job done.

So once again the Clinton defense budget has come up this time $369 million short in the area of ammunition. We were first apprised of this when we saw the GAO report, the initial informal report that said that the Marines did not have the ammo to fight two wars. We examined it. We talked to people. We finally got the list of exactly what they need to have full ammunition pouches.

So the Republicans are riding to the rescue of America's fighting people. We are going to see to it that they have the right equipment and the right ammunition to get the job done, and we are committing today to spend the money that is necessary to do that.

THE 81ST ANNIVERSARY OF ARMENIAN GENOCIDE

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

Mrs. LOWEY. Mr. Speaker, this year marks the 81st anniversary of the Armenian genocide, an act of mass murder that took 1.5 million Armenian lives and led to the exile of the Armenian nation from its historic homeland.

It is of vital importance that we never forget what happened to the Armenian people. Indeed the only thing we can do for the victims is to remember, and we forget at our own peril.

The Armenian genocide, which began 15 years after the start of the 20th century, was the first act of genocide of this century, but it was far from the last. The Armenian genocide was followed by the Holocaust, Stalin's purges, and other acts of mass murder around the world.

Adolf Hitler himself said that the world's indifference to the slaughter in Armenia indicated that there would be no global outcry if he undertook the mass murder of Jews and others he considered less than human. And he was right. It was only after the holocaust that the cry ''never again'' arose throughout the world. But it was too late for millions of victims. Too late for the 6 million Jews. Too late for the 1.5 million Armenians.

Today we recall the Armenian genocide and we mourn its victims. We also pledge that we shall do everything we can to protect the Armenian nation against further aggression; in the Republic of Armenia, in Nagorno-Karabagh, or anywhere else.

Unfortunately, there are some who still think it is acceptable to block the delivery of U.S. humanitarian assistance around the world. Despite our success last year in including the Humanitarian Aid Corridor Act in the Foreign Operations Appropriations bill signed by the President, Azerbaijan has continued its blockade of United States humanitarian assistance to Armenia.

It is tragic that Azerbaijan's tactics have denied food and medicine to innocent men, women, and children in Armenia, and created thousands of refugees. The United States must stand firm against any dealings with Azerbaijan until it ends this immoral blockade. We must make clear that warfare and blockades aimed at civilians are unaccept5able as means for resolving disputes.

Mr. Speaker, after the genocide, the Armenian people wiped away their tears and cried out, ''Let us never forget. Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors.'' I rise today to remember those cries and to make sure that they were not uttered in vain. The Armenian nation lives. We must do everything we can to ensure that it is never imperiled again.

REMEMBER THE MARTYRS

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

Mr. TORKILDSEN. Mr. Speaker, I rise with my colleagues, the gentleman from New Jersey [Mr. PALLONE], the gentleman from Illinois [Mr. PORTER], and many others to remember the Armenian genocide.

Last week Members of Congress, the Nation and the world observed Yom HaShoah to honor and remember the millions of Jews who perished in the Holocaust. Sadly, one tragic truth about the Holocaust is that it occurred 20 years after the Armenian genocide, which took the lives of over 1½ million Armenians. In fact, it was Hitler who uttered the infamous statement, ''Who remembers the Armenians?''

Today we stand here in this Chamber and in places around our Nation to do just that, to remember the Armenians, remember the martyrs, to say we will always remember them and we will never let the world forget the Armenian genocide that occurred at the hands of the Ottoman Turks.

It was just over 81 years ago that 1.5 million Armenians were systematically murdered and another 500,000 were driven from their homeland during the 8-year genocide. Revisionist historians have sadly doubted the historical reality of the genocide. The Armenians were not killed indiscriminately or at random. The Armenians murdered between 1915 and 1923 were the victims of a calculated extermination through starvation, torture and deportation, a genocide in every cruel meaning of the word and nothing less.

Earlier today back in my district, Mayor Peter Torigian of Peabody, MA held a remembrance and flag-raising ceremony that included 8 survivors of the genocide. These people are living proof that the genocide occurred. Their words bear witness to the reality of what happened 81 years ago.

Mayor Torigian often tells a terrifying but very sobering story of his mother, who survived the genocide. Any time someone tries to deny the historical reality of the genocide, he reminds them that his mother, who was quite ill and confined to a nursing home, often repeats an Armenian

phrase which when translated means: ''The soldiers are coming, the soldiers are coming.'' These are the words of a then terrified 14-year-old girl who was able to survive the atrocities inflicted upon her people many years ago.

I join with my colleagues in calling on President Clinton to use the word ''genocide'' as the only accurate description of the terror inflicted on the Armenian people. For the dead and the living, we must bear witness so that this horror will never happen again.

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

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

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

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

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

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

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

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

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

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

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

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

COMMEMORATING THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. TORRES. Mr. Speaker, I wish to thank my colleagues, Mr. PALLONE and Mr. PORTER, for once again organizing this special congressional opportunity for Congress to pause to honor the memory of the 1½ million Armenians who were killed between 1915 and 1923 by agents of the Turkish Ottoman Empire in what is known in infamy as the Armenian Genocide.

While we cautiously welcome the important gestures recently made by Turkey, in recognizing the independence of Armenia and the opening of an air corridor to Armenia, the history of the relationships between these two countries must be kept in perspective.

Some would claim that our remembrance today fans the flames of atavistic hatred and that the issue of the Ottoman government's efforts to destroy the Armenian people is a matter best left to scholars and historians. I do not agree. For whatever ambiguities may be invoked in the historic record of these events, one fact remains undeniable: the death and suffering of Armenians on a massive scale happened, and is deserving of recognition and remembrance.

This solemn occasion permits us to join in remembrance with the many Americans of Armenian ancestry, to remind this country of the tragic price paid by the Armenian community for its long pursuit of life, liberty and freedom.

Today, I rise, with my Colleagues, to recall and remember one of the most tragic events in history and through this act of remembrance, to make public and vivid the memory of the ultimate price paid by the Armenian community by this blot against human civility.

We come together each year with this act of commemoration, this year being the 81st anniversary of this genocide, to tell the stories of this atrocity so that we will not sink into ignorance of our capacity to taint human progress with acts of mass murder.

The Armenian genocide was a deliberate act to kill, or deport, all Armenians from Asia Minor, and takes its place in history with other acts of genocide such as Stalin's destruction of the Kulaks, Hitler's calculated wrath on the Jews, Poles, and Romany Gypsy community in Central Europe, and Pol Pot's attempt to purge incorrect political thought from Cambodia by killing all of his people over the age of fifteen, and more recently, the ethnic cleansing atrocities in Bosnia.

We do not have the ability to go back and correct acts of a previous time, or to right the wrongs of the past. If we had this capacity, perhaps we could have prevented the murders of millions of men, women and children.

We can, however, do everything in our power to prevent such atrocities from occurring again. To do this, we must educate people about these horrible incidents, comfort the survivors and keep alive the memories of those who died.

I encourage everyone to use this moment to think about the tragedy which was the Armenian Genocide, to contemplate the massive loss of lives, and to ponder the loss of the human contributions which might have been.

Although, the massacre we depict and describe started 81 years ago, the Armenian people continue to fight for their freedom and independence today, in the Nagorno Karabagh.

Again, this year, I would like to close my remarks with an urgent plea that we use this moment as an occasion to recommit ourselves to the spirit of human understanding, compassion, patience, and love.

For these alone are the tools for overcoming our tragic, and uniquely human proclivity for resolving differences and conflicts by acts of violence.

This century has been characterized as one of the bloodiest in our archives of human history. Certainly, the genocide perpetuated against the Armenian peoples has been a factor in this dismal record.

The dawning of a new century offers our human race two paths. One continues along a road of destruction, distrust, and despair. Those who travel this path have lost their connection to the primal directives, which permit us as a society to maintain balance, continuity, and harmony.

I would ask my colleagues, on this 81th anniversary of one of history's bloodiest massacres of human beings—and during a time in history when violent solutions to problems between peoples continue to hold sway—to contemplate the second path. The map to this path exists within the guiding teachings of all major world religions and are encapsulated in what Christians refer to as the 10 Commandments. I would ask my colleagues, no matter their religious or political persuasions and beliefs, to revisit these core teachings which form a common bond between all peoples. To use these common beliefs as the basis for action and understanding in these trying times. The surface differences between peoples, offer only an exciting diversity in form. At the core all peoples are united by common dreams, aspirations, and beliefs in a desire for harmony, decency, and peace with justice.

Let these testimonies of the atrocities perpetuated against the Armenian people serve as a reminder that as a human race we can, and must, do better. It takes strength and wisdom to understand that the sword of compassion is indeed mightier than the sword of steel.

Certainly, as we reflect over the conflicts of this century, we can only come to the conclusion that violence begets violence, hatred begets hatred and that only understanding patience, compassion, and love can open the door to the realization of the dreams which we all hold for our children and for their children.

Let our statements today, remembering and openly condemning the atrocity committed against the Armenians,

help renew a commitment of the American people to oppose any and all instances of genocide.

□ 1800

ECONOMIC REPERCUSSIONS OF INCREASING MINIMUM WAGE

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

Mr. SMITH of Michigan. Mr. Speaker, I would like to make some comments on how we should increase wages of workers in this country and how we should not increase those wages.

The debate over the minimum wage is a debate really about the fundamental principles of government and how our society is to be organized. Unfortunately, the debate has been framed in terms of politics rather than policy. In light of this, I would like to make three points:

First, historically it has been well noted by many economists, Frederich Bastiat pointed out in 1853 that a just government would not interfere in a person's right to contract with someone else for his or her labor services.

Now, what this minimum wage legislation will do is tell, for example, a senior that wants to work part-time at maybe a day-care center, and 48.5 percent of those receiving minimum wages are voluntary part-time workers, that she or he cannot work if the day-care center cannot afford to pay $5.15 per hour.

It says to the black teenager that he cannot try to get a first job and learn a skill if that employer cannot pay $5.15 per hour, and if his services are not worth that at the beginning of his employment, prior to training, then he will not have that opportunity.

Those who would support the minimum wage must hold the position that government can tell you at what rate you can sell your labor. So here is a Federal law saying you cannot work, you cannot sell your labor, for less than what the Federal Government mandates is a fair wage.

This is not consistent with a just society or the freedom of individuals.

Second, an increase in the minimum wage is really going to harm the poor. Increasing the minimum wage must result in some workers being laid off. So the question is, are we going to pass a law that helps some, because some will benefit from an increase in minimum wage, while at the same time telling a few of those who are no longer going to be employed that they cannot be employed because the employer will not pay them the higher minimum wage that is contemplated to be established?

It is just a matter of how many jobs will be lost. Assuming no job losses is equivalent to assuming a perfectly inelastic demand for unskilled labor, which clearly is not the case.

This is just a quick effort to represent the supply and demand for the market for unskilled, entry level jobs. If you have the demand curve going down; in other words, the higher the wages, the less number are going to be employed, and so as the demand curves down to a lower wage and a greater number being employed, and likewise the supply is going to increase so the higher the wages the more people that are going to be looking for those jobs, you end up at the intersection with what is the equilibrium wage. If we raise the minimum wage higher, that means this change will represent that number of people that are going to no longer be employed.

It just makes sense that there are some people in our society at the beginning that will no longer be able to be employed if we raise the minimum wage up to $5.15 an hour. But increasing the minimum wage will not make any dent in the poverty rate. Of the 23.5 million adults in poverty, just over 2 percent are working for the minimum wage. Increasing the minimum wage will cost the unskilled their job opportunities.

Professors Neumark and Wascher, in their paper in Industrial and Labor Relations Review, estimate a 90-cent increase in the minimum wage will destroy more than one-half million unskilled jobs.

Now, an increase in the minimum wage of 90 cents will raise prices by an estimated 2.2 billion, and those price increases will mostly affect poor people. This price rise will come about because some small businesses in competitive industries will go out of business or produce less. This decrease in supply will show up in the form of higher prices for the goods and services produced in low wage industries, and who buys their goods in stores are certainly the poor people. The wealthy are not going to lose their jobs or their businesses.

The way to increase wages is to cut the payroll taxes, cut the capital gains tax, balance the budget, make sure we do not have an increase in inflation, increase the skills of the future work force and current work force, and enact significant regulatory reform.

The debate over minimum wage is a debate about the fundamental principles of government and how our society is to be organized. Unfortunately, the debate has been framed in terms of politics rather than policy. In light of this, I'd like to make three points.

First, as Frederich Bastiat pointed out in 1853, a just government would not interfere in a person's right to contract with someone else for his or her labor services. What this minimum wage legislation will do is to tell the senior that wants to work part-time at the day care center, and 48.5 percent of minimum wage workers are voluntary part-time workers, that she cannot work if the day care center cannot afford to pay her $5.15 an hour. It says to the black teenager that he cannot try to get a first job, and the training that will go along with it, unless he can produce $5.15 per hour worth of services. Those who would support the minimum wage must hold the position that the government can tell you at what rate you can sell your labor services. This is not consistent with a just society of free individuals.

Second, an increase in the minimum wage will harm the poor. Increasing the minimum wage must result in workers being laid off and fewer job opportunities. It is just a matter of how many jobs will be lost. Assuming no job losses is equivalent to assuming a perfectly inelastic demand for unskilled labor, which clearly is not the case. Those that wish to increase the minimum wage assume that a majority of the Congress with the approval of the President may decide that those who lose their jobs, or are denied their first job, must suffer this in order to make others better off. But increasing the minimum wage will not make any dent in the poverty rate. Of the 23.5 million adults in poverty, just over 2 percent are working at minimum wage. And increasing the minimum wage will cost the unskilled their job opportunities. Professors Neumark and Wascher, in their paper in Industrial and Labor Relations Review, estimate a 90-cent increase in the minimum wage will destroy more than one-half million unskilled jobs. The unemployment rate among black teenage males is currently greater than 38 percent, while the national rate for adult males is 5 percent. Who is likely to suffer from the loss of low-skilled jobs?

An increase in the minimum wage of 90 cents will raise prices by $2.2 billion. This price rise will come about because some small businesses in competitive industries will go out of business or produce less. This decrease in supply will show up in the form of higher prices for the goods and services produced in low-wage industries. And who buys their goods at stores staffed by people making minimum wage? Who buys food at restaurants that hire first-time workers? The wealthy are not going to suffer from the higher prices. The wealthy are not going to lose their jobs or their business because of an increase in the minimum wage. But the poor, unskilled, job-seeker, and the small business owner on the edge of making it will suffer. How can we as a Congress claim that we can make the decision that these people must suffer in order for some other people to gain? It is time to admit that this increase in the minimum wage is an unjust interference of the Government in the lives of the working poor which will cause more harm than good.

COMMEMORATION OF THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. MEEHAN. Mr. Speaker, I rise today to commemorate the 81st anniversary of the Armenian genocide. Once again, I join my colleagues and Armenians around the world to honor over 1.5 million Armenians who were killed in this tragic event.

Like every human tragedy, we must retell this terrible story to our children to teach a lesson: Hatred and bigotry must not be tolerated. Instead, as our world grows smaller every day, we must learn to live together in a global village. We must discover and treasure the differences among peoples around

the world. We must promote tolerance and understanding. Only then will we have peace. When we remember the Armenian genocide we send a strong message to our global community that violence born of hatred and fear is unacceptable.

While reflecting on the tragedy that began in 1915, our thoughts inevitably turn to a present day tragedy: Bosnia. The world is just beginning to comprehend the atrocities that took place there. The international community is working tirelessly to piece this war torn country back together. However, like those lost in the Armenian genocide, no one can bring back the many precious lives that were lost for no valid reason in the Bosnian War.

I represent a large and active Armenian community in my district. They are hard working and proud of their heritage. As Representatives to the United States Congress, it is our duty to commemorate the Armenian genocide in the hope that future generations will never allow such a callous disregard for human rights to occur again.

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

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

RECOGNIZING THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. LEVIN. Mr. Speaker, April 24, 1996 marks the 81st anniversary of one of the world's most tragic events—the genocide of the Armenian people by the Young Turk government of the Ottoman Empire. The genocidal process which began in the 1890's, came to a peak in 1915 when the Turkish government began a systematic and willful attempt to wipe out the Armenian population of Anatolia, their historic homeland.

The process continued in 1918 and 1920 when Turkish armies invaded the Armenian Republic in the Caucasus in a heartless attempt to eradicate the remnant of the Armenian people who had taken refuge in a newly freed homeland. The final act of genocide was committed in Smyrna in 1922 when the Turkish Nationalist armies burnt the beautiful coastal city on the Mediterranean and drove its Armenian and Greek population into the sea in full sight of American and other European warships.

In all, over 1.5 million Armenians perished and over 500,000 more were left homeless and driven into exile.

While the Sultan's government, that of Damat Ferit Pasha, directly after World War I held war crime trials and condemned to death the chief perpetrators of that heinous crime against humanity, the vast majority of the culpable were set free. From that day to the present, successive Turk governments have denied the Armenian Genocide and have attempted to spread doubt in the world community.

However, at the time, the United States had consular and embassy officials stationed in strategic locations in the Ottoman Empire and all these officials, including our Ambassador, Henry Morgenthau, reported the intent, the technique, and the results of Ottoman Turkey policy in detail to our own State Department. The records of these officials, demonstrate what the official records of all the European Powers revealed—including Turkey's allies Germany and Austria—that the genocide was a deliberate act on the part of the government to destroy a native ethnic and religious minority whose only crime was to be different.

All victims of man's inhumanity to man have the right to have their fate known and recorded. The survivors have the right to mourn the victims. And the world has the responsibility to see that the crime of genocide does not go unpunished, at the very least to the extent that the perpetrators are held up to universal opprobrium.

Genocide cannot be allowed to be a policy of state. A crime unpunished and unrepented is a crime which can and will be repeated. Even today, as I speak, the present Turkish Government is enforcing a blockade of Armenia blocking American humanitarian assistance from reaching that country. This aid, supported by this Congress, is prevented by the present government of Turkey from being transported to Armenia by land. Such a violation of fundamental principles of humane conduct cannot be allowed to continue.

This issue is not just an abstraction. Every year a substantial number of my constituents who I have known personally for many years, feel deep pain when April 24 comes about. A pain made worse by the fact that it is ignored by most media and the educated public. This is something that we must not let continue.

Take, for example, the Yessaian family, whose story is recorded in the book, ''Out of Turkey,'' which is distributed by Wayne State University Press. Only six members out of a family of 37 survived the Genocide, and of the six, four had left Turkey prior to the onslaught. One of these survivors is alive today and can recall the heart wrenching experience of seeing his mother and his relatives perish before his very eyes. He still experiences nightmares to this very day.

Suren Aprahamian, also a survivor, has written his memoirs ''From Van to Detroit: Surviving the Armenian Genocide,'' which were published in Ann Arbor, MI. He was among the few survivors of an extended family of over 40 and was forced to watch as old men, women, and other children died one by one due to hunger, thirst, slaughter, and exposure.

Hundreds of other tragic stories of survivors have been preserved on oral history tapes which are on file at the Armenian Research Center of the University of Michigan-Dearborn, directed by another of my constituents, Dr. Dennis R. Papazian. These hundreds of stories, recited by innocent victims, provide a human dimension to the chilling horror of this cataclysm.

Finally, Mr. Speaker, there are still many living survivors in my district. The memory of their tragedy still haunts them. They participate each year in commemoration ceremonies fighting against hope that the world will not forget their anguish. Fighting against hope that the present-day Turkish Government will show signs of remorse for a crime committed by their ancestors. Fighting against hope that the United States Government will again show signs of sympathy as it did in 1915–1920.

To me, Mr. Speaker, the Armenian Genocide is not just a footnote in history. It is something that many of my constituents feel very deeply about. It is an issue above politics and partisanship. It is a question of morality.

I am painfully aware of other recent and current acts of genocidal activities being carried on around the world. What began as an exception in the Armenian case, and which then shocked the civilized world, seems to be becoming almost commonplace. It is my belief that when governments are allowed to deny genocide with impunity, and its perpetrators escape punishment, it only encourages this dreadful virus to spread further in the international body politic.

Our Nation's strong support for human rights for all people is more important than ever as we witness the systematic extermination of innocent people caught up in ethnic and religious conflict.

We cannot let the Armenian Genocide be forgotten. To do so would be to doom future generations to the same curse. Only through remembering the past, and condemning genocide, can we stop such acts of hatred, cruelty and violence from happening again, again, and again.

☐ 1815

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

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

SIEGE ON AFFIRMATIVE ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak out against the current siege on affirmative action. In my home State of Texas, the Fifth Circuit Court of Appeals recently struck down affirmative action in admissions at the University of Texas Law School in Hopwood versus State of Texas. Then just this week, a Federal judge in Houston temporarily barred the Houston Metropolitan Transit Authority from considering race or sex as factors in awarding contracts. I am very concerned about this case, and I have just asked that the Department of Transportation investigate this decision and the impact it will have on funding for the Houston Metro.

Wy are we so quick to eradicate these programs, when it took so many years of struggle to even begin these programs? We should not act impulsively to abandon affirmative action. As long as there is discrimination based on race and gender, we must fashion remedies that take race and gender into account. Race- and gender-conscious remedies have proved essential and remain essential. All Americans want a color- or gender-blind society. That is our goal. But serious discrimination persists and we cannot ignore it.

In the Hopwood versus State of Texas case, the opinion suggested that affirmative action conflicts with merit-based admissions because of small differences in index ratings among nonminority and minority applicants. This is an incorrect definition of merit.

The president of Harvard University, Neil Rudenstine, has said: ''Standardized tests do not assess qualities such as competitiveness, decisiveness, creativity, or imagination.'' Standardized test scores should not be the sole criteria for admissions. The definition of merit should include an assessment of what each student would bring to the learning experience of classmates.

Having a racially and ethnically diverse student body produces benefits for the students, for educational institutions, and for society as a whole. The chancellor of the University of California at Berkeley, one of the most highly regarded schools in the California system said ''Excellence and diversity are woven from the same cloth—they are inextricably linked.''

The former president of the University of Pennsylvania has said: ''The most compelling institutional interest in achieving diversity is the educational necessity of preparing students to live in an increasingly diverse society.'' Indeed, many students have benefited from affirmative action in education.

It is no accident that as recently as 1974 racial and ethnic minority groups constituted only 1 percent of the University of Texas Law School's student body, while the same groups constituted 30 percent of the State's population. Only a policy of ethnic and race-consciousness led to the 1995–96 presence at the law school of a 17-percent-minority population in a student body that is still 58 percent male and 75 percent white, despite the fact that the State's minority population now stands at 40 percent. Clearly, the school's policy of attempting to insure some degree of diversity, from which everyone benefits, in the student body has not denied, or even appreciably affected the basically white, mostly male character of the school.

The present law of the land for affirmative action in education is the Supreme Court's 1978 decision in Bakke versus Regents of the University of California. This decision established that a university, if it so chose, could employ race as one of the criteria to recruit and bring students of diverse backgrounds into its student population. This is a good rule which should not be rolled back.

I rise today to urge that we do not rush to tear down the affirmative action programs that have been essential in combating the pervasive discrimination that still exists in society today. Let us not roll back affirmative action just when we are beginning to see the benefits to society and business. A commitment to diversity in the work force is simply good business. Opening opportunities helps business compete in a global market and in a multicultural and multiethnic country such as ours.

We should not rush to scapegoat affirmative action as the cause of our economic problems. It is painfully ironic that affirmative action, which was put in place to correct the problems of discrimination, is now seen as a source of injustice. The appropriation of the language of the civil rights movement to now eliminate affirmative action is a perversion of the struggle for equality and justice that so many have fought so hard to begin. If we lose sight of the history of discrimination and injustice, we are doomed to repeat it.

The SPEAKER PRO TEMPORE. Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

[Ms. FURSE. addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE ARMENIAN GENOCIDE

The SPEAKER PRO TEMPORE. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues and the representative of a large and vibrant community of Armenian-Americans, I rise to remember, to commemorate the Armenian genocide.

First, I would like to commend the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Illinois [Mr. PORTER], cochairs of the caucus, for all their hard work on this issue and other issues of human rights and international decency.

April 24, 1996, marks the 81st anniversary of the beginning of the Armenian genocide. It was on that day in 1915 that over 200 Armenian religious, political, and intellectual leaders were arrested and subsequently murdered in central Turkey.

This date marks the beginning of an organized campaign by the ''Young Turk'' government to eliminate the Armenians from the Ottoman Empire. Over the next 8 years, 1.5 million Armenians died at the hands of the Turks, and a half million more were deported.

This tragedy is the first genocide of the 20th century and is well documented. The New York Times alone ran over 194 articles during the Turkish atrocities.

As the United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., has written: ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well and made no particular attempt to conceal the fact.''

Mr. Speaker, the time has come for Congress to put our government unequivocally on the side of the truth in this tragedy. I commend our colleagues, the gentleman from Michigan, DAVID BONIOR, and the gentleman from Massachusetts, PETER BLUTE, for introducing House Resolution 47, which I have cosponsored. This resolution not only represents official United States recognition of the memory of those who died, but will also put pressure on the Turkish government to do what it has so far callously refused to do: acknowledge and commemorate the atrocities committed over 81 years ago.

We must not condone Turkey's attempts at historical revisionism and denial of the Armenian genocide's occurrence.

Another issue of great importance to Armenia and Armenian-Americans is the Humanitarian Aid Corridor Act. Mr. Speaker, I was in Greece several years ago and saw, firsthand, warehouses full of United States humanitarian aid destined Armenia which could not be sent because Turkey was refusing to allow its transport.

While the situation has improved, this hateful practice must not be permitted by this Congress. We have addressed the issue on a temporary basis in the 1996 foreign aid appropriations bill, which included a temporary Humanitarian Aid Corridor Act. We need to make this permanent.

Nothing we can do or say will bring those who perished back to life, but we can imbue their memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations.

Adolf Hitler, in 1939, cruelly justified the Holocaust with the haunting and hateful words, ''Who, after all, speaks today of the annihilation of the Armenians?''

My fellow Members, tonight we remember the Armenians. We speak for the Armenians, and by doing so we salute their indomitable spirit. By remembering the past, by honoring the Armenians' marthyrdom and sacrifice, we will hopefully prevent similar atrocities in the future.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr.

TORRICELLI] is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

COMMEMORATING THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ESHOO] is recognized for 5 minutes.

Ms. ESHOO. Mr. Speaker, I'd like to thank Representative PALLONE, Representative PORTER, and all my colleagues participating in raising awareness on this, the 81st anniversary of the Armenian genocide and the 1.5 million Armenians who were systematically exterminated by Ottoman troops.

The slaughter began on April 24, 1915, when hundreds of Armenian leaders were arrested and executed in Istanbul and other areas.

By the time they were finished, Ottoman troops had executed 1.5 million Armenians including innocent women and children.

Tragically, the voices of these innocent victims fell upon deaf ears because the international community refused to confront the perpetrators of these atrocities.

As the only Member of Congress of Armenian descent, I know full well how the Ottoman Empire decimated a people—my people—and wrote one of the darkest chapters in human history. I'm committed to ensure that the suffering is not diminished, and not be denied by the perpetrators of this disgraceful policy.

By recalling the atrocities of the Armenian Genocide we remind the world that a great tragedy was inflicted upon the Armenian people, that the murder of Armenians was a catastrophe for the entire family of nations, and that unchecked aggression leads to atrocity.

By mourning the losses of our past, we renew our determination to forge a future in which the Armenian people can live in peace, prosperity, and freedom.

Despite the history of suffering at the hands of others, Armenians have remained a strong people, committed to family and united by an enduring faith.

The Armenian people have risen from the ashes of the Armenian Genocide to form a new country from the remains of the Soviet Union * * * a new country which flourishes in the face of severe winters, ongoing military conflict in Nagorno-Karabagh, and the absence of strong international assistance.

Today's Armenia is a living tribute to the indelible courage and perseverance of the Armenian people and the assurance that what took place 81 years ago will not be repeated.

As we remember the tragic history of the Armenian people, it's essential also for us to discuss the future of Armenia and the role which the United States can play in establishing peace in the Caucuses.

In my view, true peace in the Caucuses will only be achieved when the political and economic isolation of Armenia ceases and regional leaders recognize the inherent rights of Armenia—including its land and its history. Congress can continue to play an important part in this process.

The Humanitarian Aid Corridor Act, which became law for fiscal year 1996 as part of the Foreign Operations Appropriations Bill, is essential because it exerts the appropriate pressure on countries which block U.S. foreign assistance to the region. This measure must be made permanent law as soon as possible, and I look forward to working with my colleagues to do so.

In my view, it's not enough for third party nations to allow commercial flights into aid-recipient countries—land convoys must be allowed through in order to move necessary amounts of American food, medicine, and clothing.

In addition, we must maintain the Freedom of Support Act of 1992. We should reinstate Section 907, which would prevent United States foreign assistance going to Azerbaijan until they lift their blockade of Nagorno—Karabagh, The Freedom of Support Act must be upheld until the isolation of Armenia ends and its territorial rights are adhered to.

Mr. Speaker, if the tragedy of the Armenian genocide has taught us anything, it is sitting back is tantamount to helping Armenia's oppressors.

As Members of Congress, we have the responsibility of ensuring that an enhanced U.S. role in the affairs of the Caucuses follows a course sensitive to the region's history and culture. This includes a heightened sensitivity to Armenia, who's history and culture are often denied or misunderstood.

We must do all we can to prevent this tragic history from repeating itself and help advance a proactive foreign policy to bring lasting peace to the region.

I thank my colleagues who have joined us here today to commemorate the Armenian Genocide.

Mr. Speaker, I would like to conclude by saying my remarks also are in memory of someone that was a great leader in the Armenian community, a relative of mine, Aram Bayramian, who was, I think, the essence of what his forefathers were and continue to be, a great American, a great patriot, a man of great faith in family, someone that served this Nation and was devoted not only to the Armenian community but the entire community.

COMMEMORATION OF THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today is the sad and solemn day when annually we remember one of the great tragedies of humankind. Today marks the 81st anniversary of the Armenian genocide, the first genocide of the 20th century.

I have come to the floor of the House today to acknowledge the atrocities suffered by the Armenian people at the hands of the Ottoman Turks. On April 23, 1915, over 200 Armenian religious, political and intellectual leaders were massacred in Turkey. Little did anyone know that April 23, 1915, would signify the beginning of a Turkish campaign to remove the Armenian people from the face of the earth.

Over the following 8 years, 1.5 million Armenians perished, and more than 500,000 were exiled from their homes. Armenian civilization, one of the oldest civilizations, virtually ceased to exist, which, of course, was the Turkish plan.

But despite the brutality, Armenian civilization lives on today. It lives on in the new independent republic of Armenia, and it lives on in communities throughout America, particularly in my home State of California.

Today we honor the innocent Armenians who barely got a chance to see the 20th century. Today we acknowledge that the Ottoman Turks committed genocide against the Armenian people and we demand that his undeniable fact be acknowledged by the current leaders in Istanbul.

I look forward to the day when the world says in one united voice, ''We remember the Armenian genocide.'' Until that date comes, Mr. Speaker, I will continue to stand up with my colleagues to remind the House of Representatives of our responsibility to remember and of our responsibility to speak out against any genocide, past or present.

COMMEMORATING THE 81ST ANNIVERSARY OF THE ARMENIAN HOLOCAUST

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

Mr. REED. Mr. Speaker, I rise to commemorate the 81st anniversary of the Armenian Holocaust. On this date in 1915, the Ottoman Empire and the successor Turkish nationalist regime began a brutal policy of deportation and slaughter. Over the next 8 years, 1.5 million Armenians would be ruthlessly massacred at the hands of the Turks, and another 500,000 would have their property confiscated and be driver from their homeland. Engrossed in its own problems at the time, the world

did little as a population was devastated.

As these memories stay eternally fresh in their minds and hearts, the people of the Armenian Republic continue to suffer. In recent years, attempting to establish their independence from the former Soviet Union, Armenia has suffered a series of setbacks, including an earthquake in 1988 and a Turkish-led economic blockade that has prevented humanitarian aid from entering the country.

Despite these tragic circumstances, the Armenian people continue to be an inspiration to people around the world. Indeed, last July's democratic elections and new Constitution are evidence of the Armenian devotion to democracy. At the same time, the Armenian community in the United States and in my home state of Rhode Island continues to enrich our society and culture. They have brought with them their unconquerable spirit, patriotism, and valor. Furthermore, they remind us that we must never forget those who perished 81 years ago. Along with the lives that were lost, the Armenian genocide resulted in the destruction of a society and a culture.

It is the memory of those whose perished that we remember today, but it is also those who have carried on, that we must honor. We know too well that history can repeat itself, and that the problems of far-off nations are often overlooked in the face of larger global issues. While nothing can undo the crime of the Armenian genocide, we can do our best to establish a new future.

I urge my colleagues to join me in this commemoration to remember the victims of this holocaust, pray for those who continue to suffer, and honor the truly inspirational spirit of the Armenian people. We must continue to stand side by side with the Republic of Armenia in her quest for democracy while ensuring that tragedies like the genocide never happen again.

□ 1830

ON THE MINIMUM WAGE

The SPEAKER pro tempore. (Mr. MILLER of Florida). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I also want to join briefly, although I will talk about another subject, want to join my colleagues in respect for the human dignity of the Armenian people and hopefully that the tragedy and the history of that event will teach us as public policymakers that we should make sure that that does not happen again.

Mr. Speaker, over the past several days, the public has been privileged to hear the views of Members—from both sides of the aisle—on the issue of raising the minimum wage.

This is a good and healthy exercise.

Some of what the public has heard has been fact. However, some has been fiction.

This evening, I would like to address some of the major arguments that have been made and repeated during this debate and attempt to separate the fact from the fiction.

Some have suggested that most minimum wage workers are teenagers, working part-time. That is fiction. Most minimum wage workers are adults—7 out of 10 of them—and most are women—6 out of 10 of them. That is fact. But even if most minimum wage workers are teenagers, should they not be paid a fair day's wage for a fair day's work?

Many maintain that jobs will be lost and prices will rise with an increase in the minimum wage. That is fiction. But many more, including prominent economists, throughout the United States, have effectively disputed the job loss argument.

None on the other side have successfully challenged the three economics Nobel Prize recipients and the more than 100 economic scholars from every corner of America—all who maintain the job loss argument is without foundation.

And, on the issue of rising prices—first, prices have already risen, many times over the past 25 years, while the minimum wage has increased but once.

To the minimum wage worker, price increases combined with no increase in wages has meant more obligations, less money and more misery.

But, second, the claim that an increase in the minimum wage will mean higher prices for goods fails when examined against the experience in New Jersey.

New Jersey, like eight other States, now has a minimum wage higher than the Federal minimum wage.

It has been documented by empirical study, however, that when New Jersey raised its minimum wage, prices were not affected in any measurable way.

Price increase claims are fiction.

A few have stated that raising the minimum wage is a liberal Democrat idea—fortunately, that is fiction.

Both Speaker Gingrich and Majority Leader Dole voted for the only minimum wage increase in this quarter of a century in 1989—that is fact.

Moreover, twenty thoughtful Republicans in the House have joined the 113 Democrats in the call for a minimum wage increase—that too is fact.

Mr. Speaker, when the fact is weighed against the fiction, that fact rises and the fiction falls.

An increase in the minimum wage is not a gift—it is not charity. It is just and due compensation for work performed.

How is the value of work measured? That is a difficult question. I can, however, tell you what makes work seem valueless.

Work seems without value when, after doing a job, promptly and thoroughly, an employee earns less than what is required for basic needs—something to eat, something to wear, a place to stay.

If we are serious about moving citizens from welfare to work, we must make work pay. The public debate over the minimum wage has caused some to rethink their opposition to this vital matter. That is good.

This debate will go on—it will not go away.

Those who continue to watch as corporate profits soar, as the salaries of business managers spiral and as working America suffers, are missing an important moment in history—they are lost in fiction.

An increase in the minimum wage is justified, it is necessitated by conditions and it is the right thing to do—that is fact.

REPUBLICAN PLAN FOR RAISING THE MINIMUM WAGE

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

Mr. MILLER of California. Mr. Speaker, today we have learned that not only are the Republicans opposed to the minimum wage, but their leadership in a joint statement issued today said that they will simply not allow the minimum wage to come to the floor of the House. Instead they will have a substitute package that prevents, prevents millions of Americans from ever getting an increase in the minimum wage.

Mr. Speaker, if you are a student who is working while you are going to college to help pay for your college education, under their plan you will never get an increase in the minimum wage. If you are a single person who is working at the minimum wage, today you are working 8 hours a day, you are working 40 hours a week, and you are still ending up poor under their plan, you will never get an increase in the minimum wage.

If you are a working person with a child or working person with two children, you will get an increase but you will not get it from the people you are working for. You will get it from the taxpayers, because the Republicans have decided, rather than ask the employers of this country to pay a livable wage, to pay an increase in the minimum wage, what they are going to do is ask the taxpayers to subsidize those jobs for those individuals who are working.

Mind you, today for an individual working at the minimum wage, a single parent with one child, the taxpayers are already paying $175 a month in AFDC payments, $28 a month in food stamps, $179 in EITC, and they are losing $56 on Social Security. We are already subsidizing low wage jobs in America. Rather than have the marketplace, which so often we hear people pledge their allegiance to, rather than

have the marketplace provide livable wages, rather than have McDonald's or Burger King increase the minimum wage, what they have decided is they are going to provide a government subsidy to those employers.

What that means is never again will McDonald's hire other people other than a single worker because those workers will never be entitled to an increase in the minimum wage. If they hire somebody that happens to have a child, they will know that whatever increases in living standards those people acquire, it will be acquired from the taxpayers, not from their hard work, not from the sweat of their brow and not certainly from their employers.

This is a complete capitulation to the special interests, the restaurant association, the fast food industries, and so many others opposed to an increase in the minimum wage. But now we find out that the Republican leadership in the joint statement of the Speaker and the House majority leader who said they will not bring the minimum wage to the floor of the House of Representatives. They have said that they are also going to go on the attack against the 8-hour day, the 40-hour work week, the Fair Labor Standards Act that protects people that, if you work more than 8 hours a day, if you work more than 40 hours a week, you are entitled to overtime compensation for that work.

What they are going to do is get rid of that standard. They have already done it in the Committee on Economic and Educational Opportunities where they have voted out legislation to deny people the guarantees of the 8-hour day, the 40-hour work week, and people ought to understand this.

Mr. Speaker, they have also decided that they say they are going to try and protect individuals' pensions. This comes from the same people who just a few months ago allowed people to raid the pension funds of employees. How are they going to provide this increase in the living standards of people who work at the minimum wage? They are going to increase the taxes on low income single working people, on low income students who happen to be single. They are going to tax those individuals, take away their earned income tax credit and give it to poor working people, poor working people who happen to have children.

So we are going to tax the poorest people in the country who are working every day. We are going to tax them and give that to other working poor people who happen to have children. We are going to do that under the Republican plan rather than ask the employers to provide an increase of 90 cents in the minimum wage over 2 years or $1, as some of our Republican colleagues have suggested, over 2 years.

This is a massive subsidy to employers who choose not to pay the minimum wage. The employer need not show that he cannot pay the minimum wage, that he cannot afford to pay the minimum wage, that their business would go on the rocks. There is no showing at all. You simply do not pay the minimum wage, and the taxpayers come in and subsidize your place of employment. You simply choose not to provide a livable wage to a single person, and that person has no right to any further remuneration because of their work or because of a loss of purchasing power that we have seen people who are currently at the minimum wage.

So what we have is we had a promise by Majority Leader ARMEY that he would fight the minimum wage with every fiber of his being. And now that we see he is carrying out that promise and that promise is in his joint statement that the minimum wage will not come to the floor of the House, they will not allow us to vote on it.

Mr. speaker, we are entitled to that vote. We should have a clean vote up or down on the minimum wage and give the American hard-working people the minimum wage that they need. They need a raise.

GREGORY PECK, FILM LEGEND, SAYS IT ALL

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

Mr. DORNAN. Mr. Speaker, I would title my short remarks today, ''Gregory Peck, Film Legend, Says It All.'' Here is a small article from a paper last week that film legend Gregory Peck says there is no place for him in Hollywood any longer because today's movies are too full of sex and violence.

The 80-year-old star, looking 10 years younger if not more, still elegant, whose last movie was ''Cape Fear,'' says he is finished. Peck blasted new films for containing gratuitous violence, overt sex, and the massacre of the English language. Even though I know it is all fake, I still do not like to see a bullet going through someone's eyeball, generally in slow motion. He said today's movie heroes are sleazebags. They are motivated by hatred, greed, violence. They are all rude, vulgar, ill-educated, and incapable of making an effort because they are totally selfish and devoid of moral values.

□ 1845

He had especially harsh words for Joe Pesci, the star of ''Good Fellows'' and ''Casino.'' ''He is so far on the anti-hero side that he is almost not human. I myself have played gunslingers, sailors, intellectuals, peasants, and adventurers. I have played Abraham Lincoln and the terrible Dr. Mengele of Auschwitz, as well as a few drunks and bad boys, but generally, like James Stewart and Gary Cooper, my characters were dignified and brave men who did their duty.''

Peck said there is only one decent hero in recent movies: Babe the Pig. In every sense, I thought Babe was a beautiful young lady pig. He said he is in every sense an old-fashioned hero.

Well, I would recommend to Mr. Peck that he see ''Braveheart,'' the film which won Best Director for Mel Gibson and Best Movie of the Year. There, too, was a film where the hero was truly a hero who died with a beautiful word on his lips: freedom.

Mr. Speaker, how much time do I have left? 2½ minutes?

Mr. Speaker, I want to make brief note of something tragic that happened today in the legislative process. Bill Clinton, who successfully avoided serving his country three times, and the last time shamefully, had suppressed and politically destroyed his induction date to the U.S. Army. The exact date is July 28, 1969. He had it politically obliterated by a Senator, a Governor, and by compromising politically the draft board and by completely raping the truth to Col. Eugene Holmes, the head of the ROTC in Arkansas, the University of Arkansas.

So it is particularly offensive to this Air Force officer that my leadership caves to a threat of Bill Clinton back on February 10 when he signed the defense authorization bill and stripped out three of the best provisions to defend this country in that bill, taking out ballistic missile defense to defend America, our homeland, stripping out the language that no U.S. service men and women would serve under foreign commanders without benefit of treaties, Senate approval or training together like NATO, and that he took out the congressional privileges of this House to decide when men go to fight in World War I or World War II or Somalia or Haiti or Bosnia or Desert Storm or Tibet tomorrow, if that is his whim, to sent the 82d Airborne or the 101st Air Mobile Division.

He said on February 10, after stripping those out, that there was one thing in the bill he was going to encourage disobedience toward, encourage people in the military to sue, and said Janet Reno, his Attorney General, would not enforce the law, and that was BOB DORNAN's language, to mercifully, with medical benefits and an honorable discharge, give about 1,000 people who played Russian roulette with drugs or unsanitary sex, most of it heterosexual, in Navy ports of call with prostitutes around this now very unsanitary world. He said, ''That I will undo.''

And because of weak Republican leadership and with my own, some of my leaders, telling me, ''But it was authorization on an appropriation conference bill''; no, it was not. It was law. It was a few lame-duck Republicans in the other Chamber and Democrats who are catering to the homosexual lobby not realizing that most of these people are heterosexual victims of HIV that will eventually die of AIDS. They undid law. That is authorizing on an appropriation bill.

So of course I will have to vote against the bill tomorrow. But here is

the irony. I am a chairman of military personnel. Tomorrow is my markup. It goes right back in, and here is what I put you on notice, Mr. Speaker. Homosexuals in the military goes in my markup tomorrow. I will win in subcommittee and committee. We are going back to the pre-July 19, 1993, policy, the Reagan-Bush, 50-year policy that this triple draft-dodger tried to undo.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LUCAS). The Speaker would like to remind Members that they should avoid personally offensive references to the President.

A MISSED OPPORTUNITY TO RAISE THE MINIMUM WAGE

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

Mr. WISE. Mr. Speaker, I want to vote on the minimum wage. In this place, the Congress sometimes never fails to amaze me. Just when I think I am getting the hang of how things operate, it always pops up and does just the reverse. I thought that because of statements made by Senator DOLE and Speaker GINGRICH in previous remarks, I thought that there would be a vote in this House on this House floor for raising minimum wage, a minimum wage that has not been raised since 1989 and is at its lowest point in buying power in 40 years. I thought there might be an opportunity, and that is what I said today in a news statement.

I thought there would be a opportunity for the 110,000 folks in West Virginia that would see an increase if this minimum wage increase went through, 17 percent of all jobs on the payroll. I thought there would be a chance for them to have a little more takehome pay.

But what I learned today is, in this joint statement of the Speaker and the Republican majority leader, that is not to be. There is not to be a vote on the minimum wage, they say; instead there is to be a reform package.

I want to go through just what this reform package has in it.

The minimum wage increase was real simple: $4.25 an hour today, which is what it has been since 1989, to be raised over 2 years to $5.15. That is all: Flat, simple, fini.

But instead there is not to be a vote on that, says the Republican leadership. Instead there will be a reform package that includes significant family tax relief, including a $500-per-child tax credit.

Incidentally, what they are not telling you is that one-third of low-income children will never see any benefit from that and that in order to raise the money for it they are going to increase taxes on low-income working people who presently get a tax cut in the earned income credit.

The second part of the reform, so-called reform, package, is quote, ''reforming the Earned Income Tax Credit.'' Well, what that means is that in order to give a little more to some, they are going to take from others in the same status. And, incidentally, that earned income tax credit applies to persons earning somewhere in the neighborhood of less than $26,000.

They say that they are going to enact reforms to protect employer pensions. Let me tell you about the last reform that they enacted in the reconciliation bill. That was: Did they reform the pension? What they did was make it easier for corporations to go in and raid the pension for certain types of purposes. And so what kind of reform is this if you make it easier to take the pension?

Third: Another one is improvements, that is what this package says, in the labor laws to allow workers to choose flextime. You're darn right you can choose flextime. The last reform that got in the Committee on Economic and Educational Opportunities is to do away with overtime for over 8 hours' work or over 40 hours in a week. What kind of reform is that? You get to continue earning the old minimum wage and be denied overtime at the same time.

The list goes on.

Mr. Speaker, what the American people want, the overwhelming majority have said clearly: We want a vote on the increase in the minimum wage. Do not load it up. Do not try to clog it up. Do not love it to death by making it a Christmas tree. Do not add a bunch of riders. Vote on raising it from $4.25 to $5.15 over a 2-year period.

I know that some say, well, this just goes to students. Well, actually it does not. About half the people are under the age of 25 that would receive a benefit of this, and two-thirds are under the age of 30, and 58 percent are single women, women who are single heads of household.

But as someone who, along with millions of others in this country, worked his way through college at the minimum wage, I can tell you that students need that increase as much as anyone else. Whether it is carrying bedpans, as I did for 3 years in a hospital, or carrying a tray up two flights of stairs in a restaurant, students are trying to work their way through, young people are trying to get ahead, and the minimum wage is their only way.

I learned a long time ago that as a student and as a young person, as someone working for minimum wage, there was only one collective bargaining agent for me. There were not any labor unions; nobody else was speaking for me. The only way I would ever see an increase was when Congress raised it.

And for those who are afraid that business is going to dry up and go away, the studies indicate that is not so.

But there has not been a minimum wage increase since 1989. Has anyone noticed the Big Mac price going down? How about that pizza that you order from the fast-food catering firm or when you go into any restaurant? You notice those prices going down? Of course you have not.

The fact of the matter is that the minimum wage being raised by this relatively low amount does not influence prices to that degree. And so the fact is, the point is, are we going to give people a working wage? For the 112,000 in West Virginia, 17 percent of our work force who are trying to make it the way the systems tells them to do, working at the minimum wage, they demand, and a lot of other citizens demand, a vote on the minimum wage increase.

THE ARMENIAN GENOCIDE

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

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to join my colleagues in commemorating the 80th anniversary of the Armenian genocide. As you know, 1.5 million Armenians were massacred by the Turkish Ottoman Empire between 1915 and 1923.

The Armenian community in the United States is mostly descended from survivors of this genocide who were forcibly exiled from their homeland. These citizens, many of whom reside in Pennsylvania's 13th Congressional District, have made tremendous contributions to American life while honoring their own rich traditions.

On the evening of April 24, 1915, the political, religious, and intellectual leaders of the Armenian community in Constantinople, now Instanbul, were arrested, exiled from the capital city, and murdered. After the ''Young turk'' government silenced the voices of the Armenian community in this horrific way, they began a systematic deportation and extermination of all Armenians.

Mr. Speaker, it is our duty to ensure that these reprehensible crimes against humanity are not forgotten. I am deeply concerned that the Turkish Government refuses to acknowledge this genocide, even today. We know all to well the consequences of forgetfulness. As Elie Wiesel reports, ''Before planning the final solution, Hitler asked, 'Who remembers the Armenians?''

Mr. Speaker, I would like to thank Mr. PALLONE and Mr. PORTER for their leadership in sponsoring this special order.

Finally, Mr. Speaker, I would like to salute the Pennypack Watershed Association in my district, through its director Tish Ryan, who has done such a great job of bringing people together in environmental education programs, environmental management programs, and especially bringing students together in the 13th District. She has

done an outstanding job and should be saluted for her environmental trail blazing.

REMEMBERING THE GENOCIDE OF THE ARMENIANS

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise this evening to speak on a matter that is very close to my heart, to stand with my Armenian friends and brothers and sisters across this country and around the world that today remember their parents and grandparents that were killed in a genocide that existed on April 24, 1915, and for several years following that date. That is a period of time that means so much to the Armenian people throughout the world, and it is a period of time that unquestionably was a genocide against a people simply because of their race, of their religion, and of their heritage, their ethnic heritage, which means so much to that people throughout the world today.

Mr. Speaker, it is interesting that on the floor of this House that we a few years ago, when I first was elected to the Congress of the United States, refused to acknowledge the word genocide despite the fact that the origin of the actually word genocide came as a result of the witnesses that bore truth to the facts that took place on April 24, 1915.

The truth of the matter is that this has become a highly political debate, a debate that is fueled by modern-day politics that somehow feel the squeeze of the invisible hand of the ancient Ottoman empire that continues to have its hidden hand in the policies that take place on the floor of this House and throughout the world today, and I call upon this administration, the Clinton administration, to acknowledge the fact that a genocide did, in fact, take place on April 24, 1915, and to recognize the tremendous contributions that the Armenian people continue to make to this country today. We see an unprecedented success story of ethnic heritage and of a completion of a complete taking part in American life by the Armenian people.

□ 1900

A tremendous success story in terms of economic development, a success story that also remembers the roots of the American people. When you look at the kinds of schools, the kinds of language, the newspapers, the fact that in my district today there will be children walking down the streets of Watertown, MA, remembering that their parents and grandparents and great grandparents were killed simply because of who they were, it is important that we today in this House acknowledge the fact that a genocide took place and acknowledge the fact that still today prejudice takes place throughout the world against the Armenian people.

That is why I called upon and saw passed in this House the act which we refer to as the Humanitarian Aid Corridor Act, that calls upon the Turks to finally open up the borders between Armenia and Turkey, to open up trade between Armenia and Turkey, that talks about the fact that we need to break down the barriers that exist between Azerbaijan and Armenia and the Assyrians, to finally stop the fighting and to finally open up trade so that we can create peace in that region. We need to continue to work through IDA and through the World Bank to make certain that we are providing the necessary humanitarian aid.

Mr. Speaker, I visited Armenia just 2 or 3 years ago in the dead of winter and saw little babies freezing in their own urine inside hospitals where the temperature was 10 or 15 degrees because of the fact that that country has been so cut off from the rest of the world. This is a land that has had the greatest success story of the former Soviet states, and yet today still suffers not because of the drive and determination of the Armenian people, but because we allow and the world allows the prejudice to continue to take place against Armenia by both Turkey as well as Azerbaijan.

So on this date of April 24, let me call upon the people of the United States to remember the tremendous contributions that the Armenian people continue to make to the United States, and let us call upon our own sense of history and heritage to ask that the Russians, to ask that the Turks, to ask that the Assyrians finally come to grips with the true meaning of humanitarianism and provide decent, honorable and open trade with the Armenian people, with the country of Armenia, to bring about continuation of democracy, a continuation of economic prosperity, and to recognize the tremendous contributions that the Armenians continue to make throughout the world and most particularly in the United States of America.

COMMEMORATING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to join my colleagues in observing the anniversary of the Armenian genocide. I commend my colleagues, Mr. PALLONE and Mr. PORTER, who are leaders in this Congress on Armenian issues and thank them for organizing this special order to draw attention to the tragic slaughter of the Armenian people.

On April 24, 1915, the Armenian people were subjected to a ruthless policy of deportation, property confiscation, slavery, and murder by the Ottoman Empire. This barbaric policy was unquestionably genocide. Over the 8 years between 1915 and 1923, 1.5 million Armenian men, women, and children were killed and more than 500,000 more had been forcibly removed from the country. The Ottoman Empire and subsequent Turkish regime engaged in a systematic campaign to destroy cultural and religious monuments, change the names of locations and places, and deny the very existence of the Armenian people in this region.

At the time, the world recognized this crime against humanity and organized a worldwide humanitarian relief effort under the leadership of the United States. It is time for us again to call attention to this genocide.

I have recently joined my colleagues, Mr. PALLONE and Mr. PORTER, in sending a letter to President Clinton urging him to reaffirm the Armenian genocide as a crime against humanity. In addition, I was pleased to work with a number of my colleagues in including the provisions of the Humanitarian Aid Corridor Act in the 1996 foreign operations appropriations bill which has been signed into law.

The Humanitarian Aid Corridor Act restricts United States aid to Turkey until the Turkish Government ceases its obstruction of United States humanitarian aid deliveries to Armenia. The foreign operations appropriations bill also provides funds to continue the United States program of humanitarian assistance to the Armenian people.

The Armenian-American descendants of the Armenian exiles make a vibrant contribution to the life and energy of the San Francisco bay area. I join with them today in observing this anniversary of the Armenian genocide and in honoring the memory of their ancestors.

I might add, Mr. Speaker, that as we remember these tragic events both of the Armenian genocide and of the Holocaust, we must remember that there are crimes against humanity that are being perpetrated today. The appropriate tribute to those who have given their lives in the past to these crimes against humanity is to make sure that these acts do not continue and that we must be ever vigilant and speak up against them.

In the remainder of my time, Mr. Speaker, I would like to take a few moments to talk about the minimum wage. Mr. Speaker, I am sure that all of us in this Chamber or all of us who serve in this Chamber would agree that the actions that we take here should serve to build family, to reward work, and to value the American worker.

That is why it is so hard to understand why the Republican leadership in the House is hesitating, indeed has said they probably will not bring up legislation to increase the minimum wage. To remind our colleagues, a person who works full-time at the minimum wage makes $8,840 a year. In a two-earner household where both parents work, they bring home a rip-roaring $17,000 a year. For a family of four, this is below

the poverty line and indeed below the line of dignity that we owe the American worker.

I am disappointed that the Republican majority will not bring up an increase in the minimum wage, but I am further mystified by the Republican attempt to avoid raising the minimum wage by proposing something which they claim is an increase in the minimum wage combined with an expansion of the earned income tax credit. It is neither. It is simply an attempt to distract attention from the Republican failure to raise the wages of low-income families.

The Republican proposal would cut the earned income tax credit. That means it would increase the tax, if there were a tax, which there is not, so it would serve to put fewer dollars in the pockets of the lowest income people in our country. It would create a three-tiered Federal payment for low-income workers.

This is not only an insult to the American worker, but it is an insult to American business. We are saying to American businesses: We think you do not value the work that your workers do, so we are going to subsidize that work by having a government program to give you money to pay your workers, because obviously you do not value the contribution they make to your business.

What is happening here? How could it be that the Republicans, who talk about reducing the size of government and to promote the free enterprise system, are talking about subsidizing the wages officially that are paid to workers?

In conclusion, Mr. Speaker, I want to once again call to our attention, and I am going to have this blown up for future presentation, how long does it take to make $8,840. The full-time minimum wage earner, 1 year. What a full-time minimum wage earner makes in 1 year, the average CEO of a large U.S. corporation makes in one half a day. How could this be fair? How could this be just? We salute their entrepreneurial spirit and their success, but we reject the injustice of it all.

CONGRESS SHOULD LINK WELFARE REFORM TO MINIMUM WAGE INCREASE

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

Mr. RIGGS. Mr. Speaker, I appreciate you recognizing me, and I appreciate this opportunity to address what is now a pretty empty and still Chamber, but hopefully some of my colleagues are still following our discussion on the floor this evening.

I intend to talk about a number of very timely issues and concerns, but I want to begin my special order by addressing my colleagues who this evening, most recently just a couple of moments ago the gentlewoman from California, who brought up the minimum wage issue, but prior to her the gentleman from West Virginia [Mr. WISE] and the gentleman from California [Mr. MILLER] who brought up the minimum wage issue.

I want to also preface my remarks by inviting any of my colleagues who want to discuss any of the issues that I raise tonight to join in this special order. I will be happy to yield time, both to my Republican colleagues on the majority side of the aisle as well as my Democratic colleagues on the minority side of the aisle.

First of all, let me say with respect to the minimum wage issue, I am a little unclear why this has suddenly become—except for the possibility that it is being used now as a political football by the National Democratic Party—why this has become such a pressing issue here in Washington.

Now, do not get me wrong. Back in 1994, while campaigning for Congress, I committed to voting for a modest increase in the minimum wage. It was my feeling back then and it is my feeling today that the minimum wage needs to be increased to keep pace with inflation, and that without an increase in the minimum wage, we will be witnessing a further erosion of the purchasing power of the minimum wage, which is going to put very low-income workers further and further behind the economic curve and exacerbate this growing income gap and I guess you could say this potential economic chasm that is dividing American society.

Just a few weeks ago I was one of seven Republicans who on this floor voted for a procedural motion that would have allowed the House to, at that time and in a timely fashion, consider legislation increasing the minimum wage roughly $1 over the course of the next year. I am one of 20 or 21 Republicans who supported, who are cosponsoring our own separate free-standing bill, a competing measure to the Democratic bill that would actually raise the minimum wage slightly higher than the legislation proposed by the President and congressional Democrats.

But here is the part about the minimum wage debate I do not get. If this is such an enormous issue and pressing concern to the National Democratic Party, why did they not raise the minimum wage when they had the chance? That is to say, why did they not raise the minimum wage during the last 2 years or prior to last January, when they controlled both houses of the Congress and of course the White House? That is the part I do not get. There is a certain disconnect there because they did not act on legislation raising the minimum wage when they controlled both the legislative and executive branches of government.

Second, I have been maintaining all along and I have attempted to make this case to our leadership, the Republican leadership of the House of Representatives, that a modest increase in the minimum wage needs to be linked to real reform of the welfare system.

It seems to me that we have many perverse incentives in American life today that are the result of misguided Federal policy. For example, we have an economic policy or a tax policy, tax code, that seems to encourage consumption and spending over savings and investment, and that in turn has put a tremendous strain on the so-called old-age retirement programs, social security and Medicare.

But we also have in our welfare system today, especially in my home State of California, which has a fairly lucrative welfare benefit structure, a perverse incentive in that welfare in the aggregate oftentimes pays someone more than what they can make in a minimum wage job. It seems to me to be rather basic, that if we want to reform welfare by moving people from welfare to work, helping them make what is a very difficult transition, especially for single mothers who many times struggle against heroic odds, that we have to raise the minimum wage so that at least the minimum wage pays more than welfare benefits.

The gentlewoman from California was absolutely right in the statistics that she quoted. Unfortunately, she walked off the floor because I do not think she wants to engage in a debate about this issue. She is right, though, when she says that a full-time minimum-wage worker today would earn only $8,840 a year, which is far less than many States pay in welfare cash benefits and well below the Nation's poverty level.

It is my belief that we need to correct this inequity, an inequity that the Democrat majority in the last Congress was unwilling to address, so that people who want to work are not forced to choose between work and welfare because welfare actually pays better than work. So again, it seems to me we have to reverse that equation, address this perverse incentive, which is one of many that riddle American life today.

The other point I wanted to make on the minimum wage issue, watching, I believe it was, a CNN program over the weekend, their Inside Edition on late Sunday afternoon, early Sunday evening, they were profiling the Republican revolution after 15, 16 months of this Congress and sort of begging the question, is that revolution alive or dead?

☐ 1915

They focused specifically on the subject of welfare reform, and they actually interviewed several current welfare recipients who, looking right into the camera, said ''I don't feel that I can support myself, much less my family''; that is, meet the needs of my dependents and loved ones in an entry level minimum wage job; that is to say, a job probably in the service sector of

the economy, the kind of job that they would be most likely to find if they were to move from the welfare rolls to work now.

So there you have it. You have living, firsthand testimony, from several people right on that show Sunday evening, basically saying what I think many of us believe, and that is that we have to again address this perverse incentive, and we have, if we want to reform welfare by moving people from welfare to work, make a minimum wage job pay more than welfare benefits in the aggregate.

But that is the other party with a little bit of the grandstanding going on on the other side of the aisle with this particular issue. Again, I am trying to make a linkage to real reform of the welfare system. That is my rationale or justification for supporting an increase in the minimum wage, yet I think anyone who has followed the debate in this Chamber and the developments in this Congress, the 104th session of Congress in our Nation's history over the last 16 months, knows that while we promised in our Contract With America to reform the welfare system, to emphasize work, families and personal responsibility, we have gotten virtually no assistance from our Democratic colleagues in that effort in either the House or the Senate. In fact, we have already in these past 16 months, this session of Congress, sent the President two welfare reform bills which he has vetoed.

So here you have a certain irony in a Republican majority in this Congress trying to help this Democratic President, who back in 1992 as Candidate Clinton promised to end welfare as we know it, make good on that campaign promise. Yet he has refused to consider welfare reform legislation. I believe personally the President would have a political problem with the far left wing of his party, and this political constituency of dependency that we have built up in America over the last several decades, if he were to entertain signing welfare reform legislation, again, despite the promise he made back in the 1992 campaign for President, which was just one of several major promises that he has broken to date in his last 3-plus years as President of these United States.

We all remember, of course, back in the 1992 campaign when he promised to submit to the Congress a budget that balances in 5 years. Many of us recall he made a middle class tax cut the centerpiece of his economic plan, which he called putting people first. Of course, as I said a couple of months ago, he also campaigned on a promise of ending welfare as we know it, which made him look the centrist, new Democrat that he wanted to be during the 1992 election. But, of course, as the record now shows, he has tended to govern more as a traditional left wing, big government, tax and spend President.

So I find some of the rhetoric coming from my Democratic colleagues just a little disingenuous on this issue, because again I do not see how you divorce or separate an increase in the minimum wage from real reform of the welfare system, particularly if it is a bipartisan goal of both the Congress and the Presidency to try and help people make that transition from welfare to work.

We know that those experiments in workfare are succeeding around the country. Many States, including Virginia, just across the Potomac River, where I reside part-time while serving back here in Washington representing the 1st Congressional District of California, Virginia has launched a workfare program, welfare reform, over the last year or so, which to date has been a tremendous success. In fact, there was just a story in today's newspapers back here documenting again the success stories of those people who with the proper assistance from the Government in the form of education, skills training or job training, adequate child care and transportation, are making that transition from welfare to work. But, again, I submit to you that if we wanted to have large scale welfare reform, if we really do want to pursue this dream or this vision of ending welfare as we know it, we certainly have to make an entry level minimum wage job pay more than welfare benefits in the aggregate.

So again, I find just a little tad of hypocrisy in what some of my Democratic colleagues have had to say on the floor this evening, and on certainly prior occasions, with respect to the minimum wage issue, and I look forward to the coming debate on the minimum wage issue, so that we can hopefully constructively discuss the minimum wage, how we can move that legislation through the House. Again, I would like to see it move in the context of welfare reform.

There is one other thing I want to mention about welfare reform, and that is earlier this year, I think it was back in January or February of this year, we saw in this town a truly remarkable event. Now, I know that people tend to get, particularly the longer they stay back here in Washington, they tend to succumb to sort of the beltway culture. They become just a tad cynical, maybe just a little jaded. But we saw something earlier this year that even the most jaded Washingtonian, even the most skeptical pundit, I think would have to admit was truly a remarkable development, and that is when the Nation's Governors, meeting back herein Washington at their semiannual meeting, unanimously agreed on welfare reform proposals.

Unanimously. I did not say this was a consensus agreement, where a majority prevailed obviously over a minority in supporting and advancing welfare reform proposals. No, this was a unanimous agreement. We had 43 of the Nation's Governors, big State, little State, Democrat and Republican, meeting back here, all endorsing the welfare reform proposals.

Since that time, the other seven Governors have also endorsed those proposals, so we have the remarkable, the absolutely remarkable development of unanimity in the ranks of the Nation's Governors, all 50, again, big State, little State, Republican and Democrat, supporting welfare reform proposals.

I wonder just for a moment, in a perfect world, what would happen if we were to attach the minimum wage increase that, again, 20 or 21 of us Republicans and a solid majority of the Democrats in the House, to those unanimous welfare reform proposals of the Nation's Governors? Would that not give us the opportunity to do something on a truly bipartisan basis that we could be really genuinely proud of and which might stand as one of the shining accomplishments of this congress, the 104th in our Nation's history?

TRIBUTE TO GILBERT MURRAY

Mr. Speaker, I want to change subjects for just a moment and explain why I am wearing this green ribbon on my lapel, which is a question I have been asked many times today by many of my colleagues. I also want to acknowledge that hearing the comments of my colleagues earlier this evening, both sides of the aisle, talking about the reflecting upon the genocide in Eastern Europe that dates back a considerable amount of time, that on these kind of occasions, when Members stand in tribute, I think the Chamber takes on really its most formal and solemn atmosphere.

I want to follow that by mentioning that this green ribbon on my lapel is in memory of a man by the name of Gilbert Murray, Gil Murray, who 1 year ago today, on April 24, 1995, was killed in his office of the California Forestry Association in Sacramento, CA, by a seemingly innocuous mail package. We now know 1 year later that Gil was tragically the last victim of the so-called Unabomber.

I did not know him well, but as I knew him, he was a fine man, a family man, a dedicated professional, someone who was advancing the principles of responsible and sustainable forestry on both our public and private forest lands. I can tell you that Gil, 1 year later, is very much missed by his friends and his family certainly, and those of us who had the privilege of knowing him.

Now, I suspect that his death is something his family can never truly recover from, but I hope and I pray that they continue to heal from this tragic event, and that we all remember April 24, 1995, as a day that will forever change the way each of us look at our own lives and the world in which we live.

We can, of course, now today, April 24, 1996, take some solace knowing that with the apprehension of an individual who is strongly suspected of being the infamous Unabomber, no other families will suffer the tragedy of losing a friend and loved one like the way we lost Gil.

One year after his tragic death, the memory of Gil still touches those of us who work on forestry and resource issues on a daily basis. His death touches us deeply, and our love and affection go out again to his family, his friends, his extended family, if you will, which would certainly include the other fine folks at the California Forestry Association.

I hope we never forget his tragic death, because it was a senseless and evil act. Again, I personally asked a number of my colleagues today to show their solidarity and their respect for Gil by wearing a green ribbon on their lapel, such as I am doing now, and I am very pleased that so many of my colleagues would join me in this effort. Really, in their own way, or by extension, they honor all the victims of the Unabomber and their survivors.

I want to do one other thing that is related to Gil Murray's passing, and that is I want to address some of this, because I think Gil would approve of this, I want to address some of this environmental fear mongering and hysteria that we have been hearing in the halls of Congress in recent days and weeks. It sort of came to a head I guess on Monday of this week, Monday, April 22, the so-called National Earth Day, when we heard all kind of exaggerated and wild-eyed claims being made down here on this floor that, again, I think can only be described as environmental fear mongering or hysteria.

I think most of us, particularly those of us who live in the western United States and who represent resource-dependent congressional districts, that is to say, represent communities where the economy is based on resource use and development, most of us know that you have to find a balance between the need to protect the environment on the one hand, and the need to protect jobs on the other. We strive to find that balance in our congressional districts and certainly here on the floor of Congress when we, in our everyday professional lives, as we make policy decisions.

So I tend I guess over time to just sort of tune out this environmental fear mongering and hysteria. But when I hear Members, especially from the other side of the aisle, coming down to the floor, and let us be honest about it, most of them, and I am not going to name names, particularly since they do not have the opportunity to be here and debate the issues, but most of them come from metropolitan areas, they represent urban congressional districts where the thinking on environmental issues is about 180 degrees different than the more rural areas of America, like the district that I represent.

But I heard several of these Members come to the floor the other day and refer to our timber salvage legislation, the legislation authorizing the Forest Service to sell more of the dead, dying, and diseased trees on Federal forest lands, and referring to that legislation as so-called logging without logs.

Now, I want to be very clear about one thing. We are talking about logging, selective harvesting, of dead, dying, and diseased trees on Federal forest lands. Not in our national parks, not in our wilderness areas, not in an area that has a wild and scenic designation, but in our Federal forest lands, these vast forest preserves that were set aside in the 1940's in part to provide a growing Nation with a very valuable commodity and a steady supply of timber.

It just seemed prudent to those of us in the Committee on Appropriations who wrote this legislation that we ought to allow greater harvesting of the dead, dying, and diseased trees, if for no other reason than to deal with the tremendous fuel load, the buildup of combustible materials, the underbrush and downed trees, on Federal forest lands, particularly when just a couple of summers ago we saw wild fires raging out of control in our drought-stricken forests of the western United States, wild fires that I might add cost the taxpayer $1.1 billion and took the lives of 33 U.S. firefighters attempting to extinguish those fires.

□ 1930

So, Mr. Speaker, we thought we had a good bill, yet it has been called logging without logs, and we saw Members stand here on the floor and the other side of the aisle demagoging this issue, handing out fig leaves and saying, and this is an actual quote, ''Let's not be conned'', yet today a three-judge court of appeals upheld the timber salvage law. They said it was perfectly legal. It is not logging without logs. And at least one of the three judges is an appointee of President Clinton.

They specifically upheld the so-called 318 green sales provisions of this particular bill. This is the section of the timber salvage legislation that directed the Forest Service or the Federal Government to honor contractual sales commitments that had been made to private parties who had successfully bid for the rights to harvest trees on Federal forestlands in the Pacific Northwest, in Oregon and Washington. And the three-judge court of appeals today simply said that the Federal Government, in fact, will honor its longstanding legal obligations and proceed with those sales.

So there is no logging without logs. We know that, sadly, that right now, today, April 24, we are operating a portion of the Federal Government on a 24-hour so-called continuing resolution. This is a short-term funding measure for 5 of the 13 annual spending bills, which we call appropriations, that have not yet been enacted into law. And we are down to resolving, those of us who have been a party to these negotiations, as I have, as an individual member of the House Committee on Appropriations, we are down to just a few issues really now dividing us in this House, Republican Majority, Democrat Minority, and between the Congress and the White House. But those few issues have to do with the so-called environmental riders to the Interior appropriations bill, which is one of the five bills, again, not yet enacted into law.

And these were provisions that, again, Members were talking about here on this floor just a couple of days ago, on Earth Day, Monday. What are they? They are the idea of allowing expanded oil drilling in the Arctic National Wildlife Refuge and expanded timber harvesting in the Tongass National Forest of Florida.

We have Members running down here constantly claiming that by expanding oil drilling in the Arctic National Wildlife Refuge, and bear in mind this is a very small portion of the Arctic National Wildlife Refuge, it is presently set aside for oil leasing and drilling, all the remainder staying as wilderness, and by expanding harvesting in the Tongass Forest, which is again surrounded by vast tracts, huge amounts of land, I mean hundreds of thousands of acres of wilderness, and by the way these are areas that maybe a handful of Members of Congress have ever visited; I must confess I have never visited them. But we want slightly increased resource use in Alaska, for one reason and one reason only, and that is the duly elected representatives of the State of Alaska, Congressman DON YOUNG, Congressman for all of Alaska, and the two United States Senators representing Alaska are strongly supporting these provisions. And one would presume since they have been duly elected by the people of Alaska that they have a support of the majority of Alaskans; yet by trying to pursue these provisions, we are then accused by the other side of attempting to gut environmental regulations.

Then they mention the Endangered Species Act. And, yes, it is true in the annual appropriations bill, one of the appropriation bills last year, we imposed a moratorium on the listing of any new endangered or threatened species under the Endangered Species Act. Now why would we do that? We have been accused of being radical by doing that. But what the other side never points out is that the Endangered Species Act is no longer authorized. The congressional authorization of the Endangered Species Act expired over 2 years ago. Rather than this law simply sunsetting, going off the books, it has remained in effect only because the Congress, the House specifically, would appropriate money on an annual basis to the Federal agencies which enforce that law; again, even though the original law itself, the statute, is no longer authorized. The authorization expired, again, over 2 years ago.

That sort of begs the question: Why didn't the last Congress, which was controlled by the Democratic Party, bring a reauthorization bill of the Endangered Species Act to this floor? And the answer is simple. Had they done it, there would be a bipartisan majority of Members, Republicans and Democrats,

who would have wanted to amend the Endangered Species Act to include greater protection for jobs and greater consideration of the economic consequences of listing decisions. Again, trying to find that elusive balance between the need to protect species on the one hand and the need to consider and, hopefully, mitigate economic consequences and potential job losses on the other hand.

I do not think that is so radical. So, again, we have demagogueing going on in this House without the American people really being told both sides of the issue, not getting the full picture.

Lastly, one of the things that I wanted to mention on the environment is that earlier in this session of Congress, in fact during the first 100 days in this session of Congress, we passed by an overwhelming bipartisan majority in this House one of the provisions of the Contract With America that was signed into law by the President. We have this impression a lot of our Democratic colleagues would like to leave with the American people that the Contract With America is very radical. The reality is that 9 out of 10 provisions passed this House, 9 out of 10 provisions in the Contract With America passed this House and they passed this House, in many, many instances, with very strong support from the Democratic Members of the House. And one of those provisions, the Unfunded Mandates Reform Act, became law with the President's signature.

How could that be? That is one provision in the Contract With America, passed the House, passed the Senate, and was signed into law by the President. And that is radical?

That Unfunded Mandates Reform Act created a new commission, actually there was an existing commission within the Federal Government, but it gave them a new charge and that was to examine existing Federal laws to determine whether those existing laws constitute an unfunded, or perhaps a better word would be underfunded mandate, imposed on States and local communities by the Federal Government. In my view, it is sort of a heavy-handed, top-down, one-size-fits-all fashion, and of course we continue to write laws back here with the arrogance that, you know, the law is going to work as good in Portland, OR, as it does in Portland, ME. And sometimes I think we are sadly mistaken in that belief.

But we passed this Unfunded Mandates Reform Act. It became law. And the Unfunded Mandates Commission then began looking at existing Federal laws. And do you know what they found? They found that Federal environmental regulations, and they were very specific, they named the Endangered Species Act, they named the Clean Water Act, they named the Clean Air Act, they named the Superfund law and several others, that those existing Federal environmental regulations constitute, surprise, an unfunded mandate imposed on State and local communities by the Federal Government.

Furthermore, the unfunded mandates panel called on the Congress to rewrite these laws, to give greater consideration to the concerns of and the impacts upon States and local communities and to give States and local communities more of a say in the writing of these laws and in the administration of these laws. Since, again, we pass that responsibility for administering these laws on down to the States and to local communities.

And that is the flexibility that the State and local communities have been screaming for for years. That is why we passed the Clean Water Act Amendments in this House. And so many of our Democratic colleagues would have the American people believe that we passed the Clean Water Act Amendments because we are beholding to big business and corporate special interest. Well, to the contrary. The real impetus for amending the Clean Water Act came from the National League of Cities and the U.S. Conference of Mayors, both bipartisan organizations representing locally elected officials.

So I get a little tired when I hear this environmental fearmongering, this hysteria. I recognize it for what it is. It is a good political issue in a Presidential election year, but I think we are, by giving this hysteria any credence, we are really deceiving, misserving, or doing a disservice to the American people.

I want to read you very quickly a letter that appeared in a publication called Green Speak, that is put out by the National Hardwood Lumber Association. It is a letter from a mutual friend of mine and Gil Murray, again, the last victim of the Unabomber, for whom I wear a green lapel ribbon this evening. A mutual friend of ours by the name of Nadine Bailey, who was very involved just a couple of years ago, she lives just outside my congressional district, actually in Congressman HERGER'S congressional district in northeast California, in a little mill town called Hayfork, and her letter is dated March 11, 1996 and it is an open letter to the President.

It says, ''Dear President Clinton, you made a promise to my daughter on a national television program.''

This actually was the televised proceedings of the so-called forestry conference or timber summit held out in Portland, OR. I guess this would have been early 1993, soon after the President was elected, and both the President and the Vice President attended that particular timber summit or forestry conference, and Nadine starts her letter by making reference to it.

She then goes on to say ''When Elizabeth'', her daughter, ''showed you her class yearbook, with the names of the children whose parents would lose their jobs because of the spotted owl'', and of course those of us who hail from northwest California and the Pacific Northwest, we know very well about the spotted owl because it is listed as an endangered species and has had a tremendous impact on the economic well-being of our communities in northwest California, the Pacific Northwest.

''You made a promise to her and to all the children who live in timber-dependent communities. Do you remember what you said? Your promise was that you would solve the problems in the northwest and California, that you would bring everyone together and come up with a solution that would allow logging and protect the spotted owl. Do you remember? Do you care where Elizabeth is today? Do you care where her father is? Do you know how hard her family worked to bring about solutions that would save the community and ensure the health of the forest?

''I hope this brief summary of the last 3 years,'' the first 3 years of the Clinton administration, ''will make you understand and regret your broken promise.''

So this would be a broken promise that follows on the heel of the broken promise to balance the Federal budget, to end welfare as we know it, and to give the middle class a tax cut.

''1993. After the summit, I worked with the environmental community to develop a plan that would add jobs while protecting habitat and wildlife. I received a call from Vice President GORE asking for my support for the Option 9 forest plan.

''1993 to 1994.'' Two-year period. ''The Option 9 plan is approved and the region gets an adaptive management area. These areas were specifically designated to have adaptive management techniques used to produce products that would enable local communities to survive the transition brought about by changes in forest management. Hopes are high in the region that some relief from the timber supply crisis will be felt.

''Spring 1994. Jobs become hard to find. Grants from Option 9 do not make their way to unemployed loggers. In fact, in public forums,'' your forestry policy adviser, ''Tom Tuchman admits much of the money will go to infrastructure. In other words, the people most affected by the change in national forest policy will be the least likely to receive help. We no longer have our business. Years of work to build a business are gone, and my husband, Walley, works for five different employers, some as far away as 8 hours. Families are starting to leave the Trinity area. Some Trinity County School districts now have 96 percent of their children on free and reduced lunches, which means they now live below the poverty level.

''Fall 1994. The last large logger in Hayfork prepares to move operation because of lack of work.'' What she really meant to say was the lack of harvestable trees, or timber. The adaptive management area fails to produce any more timber than other areas under Option 9. In fact, there seems to be more study in the adaptive management area than other areas affected by the Option 9 plan.

''Spring 1995. We move our family from our home in Hayfork to Redding. At this point I contacted the many agencies that have been given money to help displaced workers for help with the move. We were told that we that we didn't qualify because my husband already has found work. We are forced to borrow money from a family member to move. We had been homeowners, now we are faced with renting and finding $2,000 needed for deposits. We cannot sell our home, partly because of the market and partly because the house was built by my mother and father and I cannot face losing my home.''

□ 1945

Wally, my husband, becomes even more bitter about being betrayed by your administration. Despite my job at the California Forestry Association, we fall deeper in debt. My kids are not happy. City life in Sacramento or in Redding is much different. To leave a high school with 125 kids and start again in a high school with 1,000 is almost too much for country kids. I am very concerned about Elizabeth. She misses her friends so much. Wally finds work 6 hours from home. He moves out to live on the job site and I become a single mother again.

April 24, 1995, the date that I observe this evening, a bomb goes off at my office, killing my boss and friend, Gil Murray. I seem to have lost the heart to fight for our community. Nothing I have done in these last 4 years seems to have made a difference. My trust in Government and society as a whole is weakened. You use the Oklahoma bombings to attack right wing political groups. You never mentioned the Unabomber. Vice President GORE doesn't call this time.

Let me just parenthetically ask if anyone sees anything wrong with the fact that of course the President and some of his political allies have no hesitation or reservations about insinuating that somehow, some way the National Rifle Association and Rush Limbaugh might have been responsible for the very tragic, horrific Oklahoma City bombing, but yet they see no possible connection between the rantings of the Unabomber and the environmental hysteria that goes on in this Chamber with regularity or for that matter no connection between some of the things that Vice President GORE has written and some of the writings of the Unabomber himself.

Summer 1995, where did I go wrong? Was it in believing in your promises? Could I have done more? Everything is beginning to unravel. With the exception of some local groups that came together to seek solutions through consensus, like the Quincy Library Group in Quincy, California, everyone seems to be going back to war.

By that she means the timber wars which have polarized our communities and divided the environmental camp from folks who make their living in the forest products industry, either directly or indirectly:

I wonder if you realize what an opportunity you had to heal old wounds. Instead all hope is fading for the future of towns like Hayfork. I still get calls late at night from people not knowing how they will make it through the winter, wanting to know if they should stick it out, if there is any hope that things will change. For the first time in my life, I have no hope.

That is what Nadine, she goes on and wrote a few other personal comments about her family. She actually ended up moving to Wisconsin where she now works at the timber producers office of Wisconsin.

But it is a very, very sad commentary about our inability to find that balance, the balance really that was promised, I believe, by the President and Vice President when they convened this timber summit in Portland, the balance that was promised to communities like Hayfork and to families like Nadine Bailey's.

I wonder where all this is going to lead, because in today's paper, in the San Francisco Chronicle, on page 1 is a headline that says, Victory for Sierra Club Dissidents. I think most people know that the Sierra Club, with roughly 600,000 members, is probably the largest environmental organization in the country. It has become a major environmental organization, no question about it. They have a full-time professional lobby here in Washington and in State capitals around the country. And they have an energetic grass-roots membership.

The point I am getting at is that they also enjoy this image of being moderates on the environment, reasonable people, people that you can sit down and talk with and maybe hopefully reason with as we grapple with these very, very complex and difficult and seemingly intractable issues. But the headline says, Victory for Sierra Club Dissidents and then it goes on, the subhead is, Vote to ban logging in national forests, Vote to ban logging in national forests.

Now, I know some of my constituents do not like it when I say this, but I ask repeatedly, as someone who is very proud of my role in helping to make the timber salvage legislation law, what is more extreme? Harvesting dead, dying and diseased trees in our national forests, which the foresters, like the late Gil Murray tell us is good for forest health and for fire suppression purposes and, I might add, it makes, to me, certain economic sense to use those dead, dying and diseased trees to produce a much-needed resource, while those dead, dying and diseased trees still have some economic and monetary value. I have yet to encounter too many Americans who do not live in wood framed structures. And I would also point out that if we followed the lead of the Sierra Club, this moderate, reasonable, middle-of-the-road environmental organization and we banned all logging in national forests, not national parks, not wilderness areas, national forests, that that will only increase the pressure to harvest trees on privately owned lands and that we need to find that equilibrium, that balance between a sustainable timber harvest on public lands and a sustainable timber harvest on private lands.

If we follow their lead and we ban all logging on our national forests, in essence turning our Federal forest into additional national parks, then we will, in my view, not only increase the pressure to harvest on private land but we will be creating a tremendous fire hazard in those Federal forest lands, particularly in our drought-stricken areas of the western United States.

So what is more extreme? Harvesting dead, dying and diseased trees to produce a resource, or those who are so opposed to timber harvesting that they do not want to harvest even a dead tree? I wonder. Because leading the pack in this whole debate back here, of course, is the Vice President, AL GORE and the Secretary of the Interior, Secretary Babbitt.

So I believe it is a very, very alarming and sad day, and I wonder about the terrible irony of the Sierra Club taking this particular position on the same day that we commemorate the tragic death of Gil Murray.

In fact, I should mention, the article goes on to say, Members of the Sierra Club have handed a dissident faction, it is no longer a dissident faction because they prevailed, they are now the majority within the club, handed a dissident faction an important victory by voting that the club for the first time in its 104 year history will support an end to commercial logging in national forests. The club's membership approved the measure 2 to 1, the San Francisco based conservation organization announced yesterday. Although the club has fought vigorously against logging in many situations, it has never formally opposed an outright ban on the common practice of commercial logging in national forests.

So the Sierra Club is now coming out and taking a position that we will not even thin these forests to selectively harvest the dead, dying and diseased trees. We will have no timber harvest in our Federal forest lands at all, even though that was largely the reason that those Federal forest lands were created to begin with.

So I mentioned the Vice President because I think a lot of this is, particularly the current impasse over the budget, the so-called omnibus appropriations bill, the conference report which we would like to bring to this floor tomorrow, a lot of this impasse right now is again over environmental issues.

I think my colleague, Mrs. SEASTRAND, would admit that. I will yield to her in just a moment. But to me it continues a very disturbing pattern back here in Washington of demagoging on issues. I take very strong exception to the demagoging that I see going on. I know it is a sad fact of political life. I know that we are going to see more, not less, as we approach the November election. But there are some issues that in my view are too important for this sort of common, everyday petty politics and this demagoging back and forth.

Let me give you one other example. That is Medicare, because a lot of the demagoging that we hear coming from the other side of the aisle in the

Congress and from the Clinton administration has to do with the environment, Medicare, education. I think those are the three big ones that they like to hit all the time. So I want to mention Medicare.

I want to first of all just point out for my colleagues just how out of hand this demagoging is. This is an April 19, so this is a Congress Daily from last week, that reports on a press conference over on the other side of the Capitol outside the Senate Chamber where the Vice President was quoted as blasting Senator DOLE and Senate Republicans for attempting to push on, this is a quote, Push on the U.S. Senate a provision that would have led to serious and grave damage to the Medicare system.

There were just two problems: One, the amendment that the Vice President was referring to, having to do with medical savings accounts, had nothing to do with Medicare; it was in the context of health insurance reform. No. 2, Senator DOLE himself was standing behind the Vice President when the Vice President made these particular remarks. It is almost as if, again, certain figures in the administration cannot wait to demagogue an issue. And it is sort of the old mindset that my mind is made up, do not confuse me with the facts.

It had nothing to do with Medicare. It had to do with the health insurance reform legislation that we would like to move through Congress on a bipartisan basis and get to the President so he can sign.

But here, Mr. Vice President and other concerned colleagues, here is the real issue pertaining to Medicare, and that is the very stark headlines just out of yesterday's newspaper. I do not understand why, if we are going to have these Chicken Little folks running all over the Capitol saying the sky is falling, the sky is falling let us shift our focus from the environment and start talking about something that is really of crucial concern to this Nation and future generations; that is, Medicare.

It is going broke. It is going broke faster than expected. And we need to do something in this session of Congress about the problem. We have already sent the President a plan that would increase Medicare spending per recipient from $4,800 today to $7,300 per Medicare recipient in 7 years, increase spending, increase choices, and save the program from bankruptcy. But President Clinton vetoed that legislation, as we all know now.

But here is what is so alarming, because the facts and figures indicate the truth and we can see a trend developing. Back on February 5 of this year, February 5, 1996, the New York Times reported on page A1 with a Washington dateline, Washington, New government data shows Medicare's hospital insurance trust fund lost money last year for the first time since 1972, suggesting that the financial condition of the Medicare Program was worse than assumed by either Congress or the Clinton administration.

Then, as I mentioned, again, the New York Times yesterday, April 23, 1996, again on page A1, the New York Times is not exactly a conservative publication.

Mrs. SEASTRAND. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentlewoman from California.

Mrs. SEASTRAND. It was most interesting to see that New York Times article appears in the Santa Barbara News Press. The Santa Barbara News Press is owned by the New York Times, and to see the headline stating that Medicare is going broke faster than we here in the Congress think that it will go broke, $4.2 billion, it was interesting because the subheadline on the front page of that newspaper said that the Clinton administration was very much trying to cover up the calculations.

Mr. Speaker, I think the gentleman from northern California would agree with me that through all of this discussion, on trying to save Medicare for our moms and dads and for future generations, we have taken quite a bit of heat, not from necessarily the folks in the district but from those outside forces that come from Washington, DC. I know the gentleman is, like I am, one who has been besieged by television, radio ads, coming from Washington, DC, and trying to tell constituents in our district that the gentleman from California [Mr. RIGGS] and the gentlewoman from California [Mrs. SEASTRAND] were trying to cut and destroy Medicare, and so it is a little sad to see those headlines.

Mr. Speaker, when you take the stand, you argue your positions and you do battle. It is sad to, while I enjoy seeing the headline saying, yes, I was right, Mr. RIGGS of California was right, we support our bill to save Medicare. But when you do realize how much the people, our senior citizens presently, our children and our grandchildren are going to suffer just because of the fact that politics is played, demagoguery was taking place, and we did not get about to saving Medicare as of yet.

So, I agree with the gentleman from California [Mr. RIGGS]. It is a pretty sad day, but it is interesting to see that it has to be true. I mean that headline appeared in all of our newspapers across this land. I just say, if it is in the New York Times, I just guess it has to be true.

I think Mr. RIGGS would agree with me that we are being besieged. The gentleman was talking earlier about fear mongering, and it is interesting because the same ads have appeared in my district that have appeared in the gentleman's district, with the same 800 number. Whether it was some of the more extreme groups trying to scare our constituents that we are trying to poison the water, we have lead in the water and arsenic in the water, and we are going to pollute our oceans, I would just stand here, saying as a mom and one who hopes one day very soon to be a grandmother, I am definitely concerned about our environment and where we are going as we turn into the 21st century.

Mr. Speaker, so it is a bit bizarre. But to see the fear mongering not only from different organizations but amazingly the AFL–CIO, I think they played the same ad that we re definitely cutting into Medicare, destroying Medicare, cutting education.

□ 2000

They were destroying the environment, and we voted for a bad budget, and it is just interesting to note that again this fear is coming from the heart of this city, Washington, DC.

We know, it is those big labor bosses that are very, very disturbed that they lost power, and they do not seem to wield it here in this capital city as much as they used to for 40 years.

But, you know, when you were talking about not having the opportunity to do some timber salvaging in our national forest, I was thinking about how many working families, by that position that the Sierra Club took, how many working families it is going to affect in your district, and I often think, too, about the AFL–CIO, how many people because of their positions where I am trying to fight for a balanced budget to help my children and grandchildren and yours and taking the position of tax relief, of $500 tax credit for children, seeing that we cut through capital gains so we could help those small businesses in the northern end of California and on my central coast; all these things that are so important for our working families throughout our two districts, and because of the rhetoric, the yelling of radical extremists, how many, because of that, how is it going to affect our district and affect those very working families that belong to the very so-called AFL–CIO union.

And when you think just recently they had an annual convention here in Washington, DC, and they raised the dues of those working families in my district, in your district, and they are going to have to pay for those dues to fund a continuation of the fearmongering advertising that is taking place in our districts.

I have a quote here. At the convention, we had vice president Linda Chavez Thompson say, ''We stopped the Contract with America dead in its tracks. Now we have to spend 7 times as much to bury it 6 feet under.''

I tried to talk to my working families in my district and say the Contract with America; what is that? That is balancing the beget so that we can lower those interest rates so you can buy that home that you want to buy or buy that truck that you need, or to send your children to college so maybe they are going to be the first to graduate out of your family. Or it means

tax relief, that $500 tax credit, or a tax credit for adoption of our children. Or it might mean welfare reform or saving, just cutting away at the big bureaucracy here in Washington, and I think the gentleman would agree with me that we are trying our very best to bring some sanity, and yet the rhetoric is very strong, especially on two freshmen.

And I just might say in this week we are commemorating Earth Day and talking about the environment. I will just say to the gentleman from northern California, you have been recycled as a Member of this Congress, and very gladly, because you served in this Congress for 2 years, and you were out for 2 years, and now you are back, and I am just glad to recognize you as one of the members of the freshman class.

But what we have been trying to do in this 104th Congress to make this place accountable to those working families that are way back on the West Coast of California and make some sense to the men and women, the moms and dads, that are trying to make it in this very hard economy.

So I just thank the gentleman for bringing up all the issues that you previously did, and I would just say that I guess we are going to have to tighten our seat belt because we are going to continue to see radical groups, big labor, especially the ones based here in Washington, such as the AFL–CIO, continuing to launch an assault on our efforts to bring about meaningful change in a way the Federal Government operates and undermine our efforts to secure a brighter future for the folks in California.

I think it is very obvious that at AFL–CIO they are not looking out for their union members and their families in our two districts. No; those Washington bosses, as far as I am concerned, are using those membership forced dues to fight against that balanced budget that would give them and the families such benefits as more take-home pay, and lower interest rates and the ability to decide how they are going to spend their dollars, and not a bureaucrat here in Washington, DC.

You know, I believe that the union members and the families in my district and yours, Mr. RIGGS, if they were given a choice, it is likely they would prefer their balanced budget bonus to a deceptive, dishonest, propaganda campaign against our voting record. And you know it is just amazing to see it transpire, and I would just say I guess we were going to see this until November.

Mr. RIGGS. I think so, and I thank the gentlewoman for her comments.

Again, she is so right. She is basically describing the so-called mediscare campaign that has been launched by big labor, the major Washington-based labor unions back here which have become the core constituency of the national Democratic Party, yet they are ignoring all the warning signs that we are heading towards bankruptcy, for one reason and one reason only: They want to use this as the political issue to regain control of the Congress.

Independent analysis indicates that you know Medicare is going broke. The gentlewoman from California [Mrs. SEASTRAND] mentioned that we both been targeted by radio and television ads in our congressional districts, giving us an F for our votes on preserving Medicare from bankruptcy. That is actually out of the union press release. Yet if you look at the independent analysis that has been done of some of these advertisements by Brooks Jackson of CNN, he talks about the ads being a big hoax on the American people, grossly misleading.

One of the ads running now says the Democrats want to protect Medicare the Republicans want to gut it. But then Jackson goes on to admit Republicans currently propose to cut the growth of Medicare by $168 billion over 7 years. President Clinton's budget calls for $124 billion in cuts, which he calls savings.

He also analyzes another allegation in these ads. Republicans cut school lunches, cut Head Start, cut health care. Then Jackson, Brooks Jackson of CNN, calls this Democrat National Committee ad false advertising.

Mr. Speaker, the Republican Congress appropriated more money for school lunches this year, just what President Clinton asked, in fact, and the Agriculture Department says it has increased the number of children served. Money from the Head Start preschool program has been cut 4 percent this year temporarily, but Republicans have agreed to a 1 percent increase once a permanent appropriations bill is passed. Meanwhile not a single child has been affected. In fact, Head Start enrollment is up this year.

On child health care, Republicans did pass a $164 billion cut in Medicaid growth, which Clinton vetoed. Now differences have narrowed. Republicans last proposed to cut only $85 billion over 7 years, again to save that program, which has been growing in an unsustainable rate, and President Clinton's own budget proposal cuts of $59 billion.

As we saw in this ad, the Democrats' strategy is to, exact quote, Brooks Jackson on CNN, ''not let the facts get in the way of a pro-Clinton political spin.''

So again I thank the speaker for the time this evening. I will have more to say about these ads in the future. I would simply try to admonish her to advise the American people, you know, do not believe the lies and the scare tactics. Research the issues for yourself. Be informed, and I think you will see that we are trying to do the right thing, the responsible thing here in Congress, and we are trying to remember the old admonition of Mark Twain, which is, always do right, you will make some people happy and astonish the rest.

POSITIVE ECONOMIC AMERICANISM

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

Mr. LIPINSKI. Mr. Speaker, for too many Americans, the great American dream has been replaced by sleepless nights of worry. Worries about how to care for elderly parents, how to pay for a home, how to pay for a car, and how to pay for the children's college tuition, in a world where real wages have become stagnant, taxes are being raised, benefits are under assault, and jobs are being lost.

Second jobs often become the only job, because the main jobs have been lost to downsizing, or have been transferred elsewhere. That's what people are dreaming about. Their anxiety is real, not imagined.

American workers used to be in control of their own financial destinies. Hard work, loyalty, and ingenuity were rewarded and appreciated by American businesses. The result? Americans realized and lived the American dream, as generation after generation witnessed an increased standard of living. But younger generations do not believe they will have it better than their parents. For these days, hard work and loyalty are being rewarded with pink slips and unemployment checks.

Before Pat Buchanan enlightened America to the plight of the American worker, the issue of jobs and the state of the American economy was not a part of the political discussion. In the worlds of Democratic leader, RICHARD GEPHARDT, Pat ''has, at the very least, recognized the crisis of falling wages and incomes. He has acknowledged what hard-working families go through to raise their children and put food on the table.'' And the New York Times stated that ''until Patrick J. Buchanan made the issue part of the Presidential campaign, it seldom surfaced in political debate.''

Pat pointed out the falling wages of the American worker. According to the Bureau of Labor Statistics, average hourly pay has fallen 11 percent since 1979. Why? Because of greedy corporations and the failed trade policy of the United States.

First, let me talk about the trade imbalance in America. For years I have been fighting to balance the playing field by introducing legislation to impose restrictions on imported steel and automobile. Not because foreign steel and cars are better than their American counterparts, but because foreign countries are restricting imports of American steel and cars. It is not fair to the American worker to allow foreign products to generously flow into this country without opening foreign markets to the same American products. And now the North American Free Trade Agreement [NAFTA], and the General Agreement on Tariffs and

Trade [GATT], two deals I vociferously opposed, are only making things worse for Americans.

By Trade Representative Mickey Kantor's own figures, each $1 billion in exports equals 20,000 jobs.

In 1995 the U.S. merchandise trade deficit was over $175 billion. That means 3.5 million jobs were lost to foreign countries. And what is contributing to this deficit? NAFTA. In 2 years, we've gone from a trade surplus with Mexico of $1.35 billion to a trade deficit of $15.39 billion last year. In addition, in 1995 the United States trade deficit with Canada was also over $15 billion. That is 600,000 jobs lost because of NAFTA.

Many of our own companies have in effect thrown up their hands in surrender to low-wage countries and decided to ship their operations abroad to take advantage of minuscule labor costs. In Indiana, the Whirlpool Corp. has announced it is moving 265 positions to a plant in Monterey, Mexico in order to strengthen the plant and improve job security. Aided by NAFTA, Whirlpool has improved job security to such a degree that over 5,000 jobs have been lost at its plant in Indiana in the course of the last 10 years.

But this is not a unique case. In my own district, General Motors has slowly but steadily been decommissioning its Electro-Motive plant for the last 10 to 15 years and sending the same work down to a subsidiary in Mexico.

But Mexican and Canadian workers aren't any better off than American workers, and neither is our environment. Because of NAFTA, American roads may soon open to Mexican trucks—trucks that often weigh more than double the 80,000 pound United States limit. These trucks are lax in safety standards, and with only 1 in 700 trucks being inspected at the border, American roads will be filled with mammoth, unsafe trucks carrying materials to points throughout the United States.

And not only is the American worker paying for these bad trade agreements in lost jobs and extra peril to the environment, but a trade deficit also represents a liability on our national balance sheet—a loan that must be financed. If the trade deficit remains constant, by 2010 the United States will be paying the equivalent of 2.5 percent of our GDP in interest payments and capital outflows to foreign countries.

I agree with Pat Buchanan that global free trade should be judged by three simple rules: First, they maintain U.S. sovereignty; second, they protect vital American economic interests, and third, they ensure a rising standard of living for all American workers. It is clear that trade agreements like NAFTA and GATT are not following these rules and looking out for the welfare of working Americans, but are looking out for the interests of large multinational corporations whose sole loyalty is to the bottom line.

For too long, we have engaged in trade deals and foreign policy that serve foreign countries. The $50 billion loan bailout to Mexico, which I opposed, only proves that NAFTA is a failure. And GATT, which often places the settlements of trade disputes in the hands of the World Trade Organization and representatives of small, Third World countries, compromises our sovereignty. Moreover, we rebuilt Europe and Japan after the Second World War—we still provide for their security—but it's time to use our powerful resources to rebuild the American dream and rebuild security for American families. Not just through Government programs—but through a partnership where Government can set fair and compassionate rules. Where Government can be an impartial referee, and where Government helps provide the tools.

That leads me to the plight of the American worker. In the 1980's, mostly young, male, blue-collar workers dominated layoffs. Wages of the principal breadwinner were declining and families were making up for that by sending more family members into the workplace, and they worked longer hours. By the end of the decade, families were running out of hours, with both parents working at several different jobs.

In 1988, I joined other colleagues in passing legislation that would prevent employers from blindsiding blue collar workers with sudden layoffs. This legislation, the Worker Adjustment and Retraining Notification Act, requires the employers to notify three bodies—workers, State dislocated worker units and local governments—of impending major mass layoffs, plant closings, or plant relocations. Unfortunately, while this legislation prepares American workers and communities for what lies ahead, it does not stop employers from firing workers en masse and causing sleepless nights of worry.

But now, white collar people with college degrees, a large number of women included, are also being laid off, or downsized, as corporations like to call it. Large corporations account for many of the layoffs, and a large percentage of the jobs are lost to outsourcing—contracting out work to another company. While these outsourcing jobs contribute to the 8 million jobs that President Clinton claims have been added to the work force since 1992, these jobs are often with small companies that offer little benefits and low pay, and many are part-time positions with no benefits at all. Often, the laid off only get temporary work, tackling the tasks once performed by full timers. Even though I am happy that jobs have been created, the statistics don't show that these are part-time jobs that do not pay living wages. In fact, the country's largest employer is Manpower Inc., a temporary-help agency that rents out 767,000 workers a year.

A person who is dependent all of his life on low wages is a slave. This economic stagnation and loss of opportunity is sapping America of its boundless confidence and freedom. Clearly, the dignity of labor has been replaced by the slavery of insecurity. You can't do that to American workers and expect America to stay strong.

Often, in order to allay this insecurity, these low-paid or temporary workers try to join a union in hopes of raising pay or improving benefits. At a recent congressional hearing, a $5.50 per hour employee of a small business with annual sales of over $150 million testified that management told the employees that they would put a padlock on the door and move the business to another town if the employees formed a union. This is not an isolated case, for throughout the landscape of the American office, warehouse, and factory there are widespread fears of joining a union and expressing one's views.

The fear of job loss and anxiety about the future coupled with falling wages of Americans does not equate with America's economic figures. Profits of corporations are 50 percent higher than a decade ago, the gross domestic product is growing, and unemployment is lower. Then where is the money going? To fat cat corporations. The growing divide between Wall Street and mainstreet is causing a widening rift between the rich and the poor.

In 1974, U.S. CEO's were paid an average of 35 times the average worker. Today, that ratio has ballooned to 187 to 1. Comparably, in Germany that ratio is 21 to 1. In Japan the ratio is 16 to 1. There are great effects that result from the greed of these corporate CEO's. In 1979, the top 1 percent of earners in America held 22 percent of the wealth, Today, the top 1 percent hold 42 percent of the wealth. We even surpass Britain, long seen as the snooty example of a class structured society, in income disparity.

It is clear that multimillionaire CEO's are keeping more of the money for themselves. Workers once received compensation increases equal to 80 percent of productivity gains. Since 1979, workers have only received a 25-percent increase in compensation compared to their productivity gains. This is not fair, nor is it right. Workers who produce more and better products are being forced to labor longer for less compensation.

Furthermore, it is not secret that when a company announces a layoff that its stock soars. On the day of the announcement that 40,000 jobs would be cut, AT&T's stock when up 4 percent and Bob Allen, the CEO of AT&T, saw his stock increase by $1.6 million, in that 1 day alone. The day Sears announced that 50,000 jobs would be downsized, its stock climbed 4 percent. When Xerox said it would trim 10,000 jobs, it stock surged 7 percent. The list goes on and on.

Fortunately, not all corporations view their employees in simple terms of stock market statistics. Anheuser-Busch, Malden Mills, Inland Copper,

and United Technologies have all respected their workers and treated them like assets. For, instance, United Technologies reeducates its workers and gives stock incentives to employees who go back to school, no matter if the studies are related to United Technologies or not. This is the kind of social contract that is needed in America between corporations and its workers. Even financial forecasters have foreseen that companies which invest in their employees are better investments in the long term than companies that recklessly fire workers for the benefit of the quick buck.

But currently, Wall Street is not reacting well to the news of employment gains. When on March 8, the Labor Department announced that 705,000 workers had been added to payrolls, the Dow Jones industrial average fell 171 points. The next day's headline in the Washington Post screamed, ''Job Gains Send Markets Plunging.'' There is no doubt that the short sighted interests of Wall Street investors conflict with the long-term interests of working Americans. Less jobs, more profits, that is what Wall Street wants. As White House Press Secretary Mike McCurry said about the markets' response to job gains, ''Sometimes there's a disconnect between Wall Street and Main Street.'' No, Mr. McCurry, not sometimes. It happens more often than we care to admit.

Sure, change and some turnover was inevitable as the American economy evolved past the industrial age. Technological innovations now allow a corporation to do more work with less manpower. But as of late, the economy has been driven by a policy that transformed labor markets. Incentives increased on Wall Street to break the social contracts between corporations and workers. Capitalism and greed ran rampant without regulations, injuring the working man and woman and losing sight of a vision for America's economic future. Yes, I do believe in capitalism, but I hold democracy and the welfare of the working men and women of this country in higher regard. While I respect the right of the individual, this society cannot be one that lives by the rule of survival of the fittest.

There are solutions to the plight of the American worker. We must change trade policies, modify corporate behavior, strengthen workers' rights, and provide for a more effective social safety net for the unemployed.

I also believe in free trade, because America has the most productive work force and best minds in the world. But most often, the countries that we trade with, do not have open markets and are not playing by the same rules that we hold to ourselves. They do not believe in free trade and therefore take advantage of America's willingness to play at a disadvantage. The time has come for a comprehensive U.S. trade policy that emphasizes reciprocity and stems America's hemorrhage of jobs and incomes. Future trade deals should not be made with foreign countries until they open their closed markets. Current trade agreements, such as NAFTA, should be amended or repealed unless certain conditions are met.

To this end, I am a member of a bipartisan coalition of Members in the House and Senate that have introduced the NAFTA Accountability Act. This act would incorporate a comprehensive set of benchmarks against which to measure NAFTA's promises in regard to trade balances, net job growth, democracy, reduction of illicit drug activity, crime, and increased public health standards. If any of the benchmarks of a prudent trade policy are not met, Congress would instruct the President to withdraw from NAFTA. The American people themselves are clamoring for legislation of this kind, as recent polls indicate that 52 percent of the public in March 1994 believed that NAFTA would help the job situation here. By November 1995, only 36 percent of the public still held that belief, while 55 percent of the people believed that NAFTA is causing jobs to go to foreign countries.

Changing bad trade deals goes hand in hand with changing corporate behavior, since these corporations are taking advantage of agreements by using cheap foreign labor while CEOs reap the profits. Moreover, multinational corporations often escape from paying U.S. income taxes while retaining the rights of citizenship. These tax loopholes must be closed, and corporations that receive tax breaks only to subsequently downsize should have their tax breaks eliminated.

But eliminating corporate tax loopholes will not solve the whole problem. I propose going one step further and creating tax rates that reward those corporations which create higher quality and better paying jobs in America. A new social contract should be adopted between the Government, the business community, and the working people of America. Tax rates would be reduced for corporations if they pay living wages for their workers, maintain or add jobs, give good benefits, and train or upgrade skills.

Corporate America is constantly clamoring for tax breaks, as the Republican Contract With America proposed to do. But tax breaks have been given in the past to these corporations only to see jobs go to foreign nations, the American work force downsized, CEO's reap huge profits, and the budget deficit balloon out of control. So let's give corporate America what they want: A tax break. But let's hold them accountable for the welfare of the American worker.

Corporate America is not the only entity that can help the middle class. Unions, as the vanguard of the workers, also have a role to play. They ensure a stable economy. To quote from Ray Abernathy of the AFL–CIO, ''When organized labor and minimum wage laws were passed during the Depression, it wasn't only to prevent the exploitation of workers, it was also because big business understood the need to ensure the buying power of its customers.''

That statement makes sense, because in modern economies, wealth is created when labor, capital, skills, and natural resources are continuously recycled as profits, wages, operating costs, taxes, or social welfare payments within the society that produced them. Unions, in effect, promote a healthy society by making sure that a fair percentage of the wealth is recycled in the form of wages. But distributing to much wealth as welfare undermines the work ethic, and distributing to much as profits to a relatively few top executives, as has been happening in America in the last two decades, concentrates wealth in the hands of a few.

Therefore, this has undermined support for the community and has led to a weakened public school system, unsafe streets, a declining morale, and an anxiety about the future across America.

At the very least, Government can ease the pain of down sized workers by passing health insurance reforms currently before Congress that allows those who lose their jobs to keep their health insurance. It is not fair, nor is it right, to have health and other social benefits for the very poor while Americans who have worked all their lives and contributed to the U.S. economy cannot have the same peace of mind. Mechanisms such as health insurance portability need to be instituted so that working Americans will not have to spend all of their savings on health care bills and subsequently fall to a level of poverty where the only means of living is provided for by the Government. But this is just a minimal step. Much more can and should be done to ease the real anxiety and worries that Americans are now feeling.

We must all work together to not only reinforce America's place in the global economy, but to return the American worker and the American family to a prosperous place in society. Then we can progress on our course at the greatest industrial democracy in the world.

Mr. Speaker, tonight I have presented the problem and a few potential solutions to the economic quandary America faces. But I would like everyone within the sound of my voice to send me their solutions. And in a few weeks I will present those solutions and give a vision of what America can be.

☐ 2030

A VICTORY FOR THE AMERICAN PEOPLE

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

Mr. KASICH. Mr. Speaker, I wanted to come to the floor tonight to essentially say that in my judgment, the American people have won a victory in the negotiations between the Republican House and Senate and the President of the United States. In fact, I want to just take a moment to congratulate the Republican Members of this Congress who decided early on that we wanted to have a comprehensive program to balance the budget and give Americans some of their hard-earned money back, reversing the tax increase that the President imposed in 1993.

As you know, Mr. Speaker, there have been intense negotiations going on in the area of discretionary spending. Discretionary spending is the kind of spending we must approve on a year-to-year basis, the only spending that the Congress actually must vote on.

As we are all aware in this body, there has been a debate going on in terms of the level of discretionary spending, or the spending we approve each and every year. That is separate from the spending known as entitlements, where if Congress did not even show up, spending would go up automatically.

When the President vetoed our balanced budget bill, he killed all efforts to reform and return the entitlement programs back to the communities and towns all across this country, where Americans could begin to design local solutions to local problems and save money, so that we can save the next generation and end the problem of stagnant wages and begin to solve the problems of job insecurity.

The entitlement side of this is something that we have not yet been able to lasso in, because the President is opposed to returning these entitlement programs to the American people, so that we can design them using local solutions to local problems at lesser costs.

But the one area where the President was forced to sit down and negotiate with us in order to keep the Government of the United States on its day-to-day efforts at being run, was the appropriations process, that spending we must approve each and every year.

In the announcement that is currently being made, it is very, very clear that the Republicans had won a tremendous victory from the standpoint that we will have the most dramatic change in that discretionary or year-to-year spending that we must approve since World War II. The people of this country should know that the Republican budget set spending limits, and we said that we wanted to reduce Washington spending.

As everybody knows, this has been an ongoing debate between us and the administration, and I am here tonight to make the case, the clear case, that saving $23 billion in spending in the fiscal year 1996 appropriation bill is historic; that in fact our children will look back upon the passage of this bill as a significant step forward towards balancing the Federal budget and bringing real change to this city. In a nutshell, Mr. Speaker, the $23 billion is, frankly, again, the most significant change that we have seen in this city since World War II.

In fact, many people said, ''What have the Republicans gotten from their revolution? Have the Republicans really been able to achieve anything?''

I would argue that after only 17 months of holding office, we have been able to deliver and will deliver here tomorrow, a bill that will allow us to go forward, save $23 billion, and make that giant first payment, that giant first down payment on guaranteeing that we will get to a balanced budget, that we will empower Americans, that we will give them some of their own tax dollars back so they can spend money on their children.

Now, we went through a whole variety of programs that are actually eliminated. Mr. Speaker, tonight I can show you at least four pages of programs that have been excised, eliminated, cut, and we hope ultimately to take some of the dollars we saved in these programs and give these dollars back to the American people in some tax relief, after all, it is their money, and/or apply some of this money to saving the next generation or some of this money to balancing the budget so we can bring about lower interest rates.

Now, could we have done better? We sure could have. There are a number of programs here that the Congress of the United States will continue to fund, and programs that the Congress of the United States does not want to fund. Let me talk about one of them, the Goals 2000 program. That is a program that is being run in this city to try to tell our mothers and fathers across this country how our children are doing at learning.

Frankly, I do not think that the mothers and fathers that I know who have children in school across this country need to call the Department of Education to ask a bureaucrat, who does not even know what time zone they live in, whether their children are learning or not. But yet the Goals 2000 program that keeps power in this city, in the hands of bureaucrats, and denies the full determination of whether children are learning, denies mothers and fathers the opportunity to solely decide whether their children are learning, has been denied to them.

I will tell you that the chairman of the Committee on Appropriations, whenever he has somebody that wants to be part of this revolution to downsize government, will put mothers and fathers back in charge of evaluating how their children are doing in school. But we have a President, an administration, that has fought day after day after day for higher Washington spending and more control by Federal bureaucrats.

But we do not just want to focus on what we did not accomplish, because, frankly, what we have accomplished will be that one underlying sentence in modern history that will say that the Republican Congress was able to stand tall and was able to put the children of this country and the mothers and fathers who are worried about their economic future today first.

This bill that we will bring up tomorrow will represent the most significant change in the day-to-day spending habits of the Government of the United States since World War II.

I now would like to yield to the chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], who has done an outstanding job on this bill. It has been a pleasure for me to be able to work with him as the chairman of the Committee on the Budget. We have had a great and growing friendship and great and growing respect for the job each of us is trying to do. I would like him to talk about how proud he is of the kind of change that this Republican Congress in just a short 17 months has been able to deliver. I will suggest that you ain't seen nothing yet.

Mr. LIVINGSTON. I thank my friend, the distinguished chairman of the Committee on the Budget, for yielding to me. I want to compliment him on articulating the agenda of this Republican Congress, the 104th Congress, which in fact is keeping its promise that it made to the American people when we ran.

☐ 2045

We told them, Mr. Speaker, we wanted to reduce the cost of Government. We wanted to get our hands out of the pockets of the taxpayers so that the American family would have more money to spend on the welfare of their own children, on the education of their children, and that we would reduce the role of Government in the way of cutting back on the numbers of programs, on agencies and on departments. And we have done just that.

The distinguished chairman of the Committee on the Budget has provided a road map for all of Congress to follow, along with the chairman of the Senate Committee on the Budget, Senator DOMENICI. The two of them have worked hand in glove together to put this country on a firm and financially sound footing.

And from our standpoint in the Committee on Appropriations, we have tried to accept their guidelines gladly and comply with their guidelines so that we have, indeed, been able to reap great savings to the American taxpayer.

Frankly, that is where we are, Mr. Speaker. Through this great effort, we can now say with great pride that 6 months ago the political and economic gurus were predicting that in fiscal year 1996 we would be faced with a $200 billion deficit for this year. And what do we hear now? It is now $144 billion for fiscal year 1996, the same fiscal year. In other words, we are coming in

at $54 billion lower than we were expected to come in only 6 months ago.

I think that is largely due to the great work of the Committee on the Budget, working in tandem with all of the other committees in Congress to comply with their guidelines, as well as our own accomplishments.

On the Committee on Appropriations, we only have jurisdiction over one-third of the Federal spending in a single year, but in fiscal year 1995, since we took office, we were able to reap $20 billion of savings under what would have been otherwise spent; and this year, with the completed package that is now being finalized back in the back rooms of Congress and will be voted on tomorrow by, hopefully, a majority of the Members of the House and a majority of the Members of the Senate, so we can hopefully send the bill over to the President for his signature, we find that we are going to reap another ''another'' $23 billion in savings over and above the $20 billion in savings that we got in fiscal year 1995, for a net total of savings in the discretionary budget of some $43 billion under what would have been spent had the Republicans not taken control of Congress on January 1, 1995.

So I think when the dust is settled, and as the gentleman has pointed out, this is the greatest amount of savings since World War II, and when the dust is settled, when our children and our grandchildren sit there and thumb through the history books and say what was accomplished in that 104th Congress, they will totally disregard or totally not understand that some people had quarrels with the spending on one program, other people had quarrels with spending on another program, but what they will see are those bottom line figures.

For the first time in modern contemporary history, instead of spending more on discretionary spending, instead of finding new programs, instead of finding new agencies, instead of finding new departments and spending what we spent last year plus an inflation kicker on all of them, for the first time we have cut the number of programs, well over 200 programs in fiscal year 1996. We have eliminated agencies, we have cut down on the duplication and waste, and since January 1, 1995, we have saved the American taxpayer $43 billion.

That is not chicken feed. That is real savings to the taxpayer, and it shows the conclusion that the average vote had come to over the last 10 years, that there was no hope for turning back the ever-increasing cost and growth of Government, is false. It is simply not true. We are scaling back the cost of Government.

And if the President would start complying with his promises to reform welfare as we know it, to fix the Medicare system, as his own commissioners say must be done, to acknowledge the fact that many of our States today are in trouble on Medicaid, as we speak, and to know that with respect to Social Security, if you ask a large group of people under the age of 35, a majority of them think they are more likely to see a UFO, an unidentified flying object, than they are to collect on Social Security program, and you add that together, if we get the President to face up to those very real problems, we can do exactly what the chairman of the Committee on the Budget has accomplished in pushing through the House of Representatives along with his counterpart in the Senate, we can balance this budget by the year 2002.

We can do it. We all know that we can do it because we have got a floor plan that has been promoted and proposed and drawn up by the distinguished chairman and it can be done. All we need is the political will in the White House to do it.

Mr. KASICH. Let me just ask the chairman, if he would, let us just put this in terms that Americans can understand, so when they are going to work tomorrow they can turn to the person next to them and say, you know, we thought the Republicans were not getting anywhere, but did you hear that they were able to cut the Washington spending and the waste and the abuse, and they were actually able to save us $23 billion this year.

Is that right, I ask the chairman of the committee? Is there anything more complicated than that?

Mr. LIVINGSTON. No more complicated, and just a little bit better when one considers that 200 programs, each with its own good intent, but each with its overlapping and duplicative bureaucracy, ceases to exist with the signature of the President on this bill.

So 200 programs are no longer in existence, $23 billion is saved for the American taxpayer, and the cost of Government is no longer rising, it is falling.

Mr. KASICH. And what was the greatest obstacle, Mr. Chairman, that you faced in being able to accomplish this job of saving us this money?

Mr. LIVINGSTON. Well, quite frankly, the obstacles did not arise in the House or in the Senate, the obstacles arose and emanated there from 1600 Pennsylvania Avenue. Because if we had had the cooperation of those good folks, it would not have taken us a year and a quarter to complete this process.

Mr. KASICH. So, in other words, even though the President talks about his wanting to, well, he declares the era of big Government being over, he fought for virtually every dime of Washington spending that ends up in the hands of the Federal bureaucrats. He fought for this, and you fought against him, and this House and Senate stood tall and we actually were able to save the most significant amount of money for our children that we have since World War II; is that correct?

Mr. LIVINGSTON. That is correct. And in fairness to the negotiators who participated on behalf of the White House, the fact is that they did negotiate, we have a package, and I do hope that the President will sign that package. I have every reason to believe that he will. Had they been more obstinate, I suppose it might have been impossible to reach an agreement. But I am delighted an agreement has been reached.

And one thing I will say, from the very beginning, we never deviated from the ground rules. The Committee on the Budget gave us our instructions: Stay within your budget allocations, make sure that you save the American people that $23 billion. If you have to raise money for the President on some programs, take it out of that discretionary pot and make sure that you cut other programs. And that is what we did. We took the chairman's admonition to stay within our budget caps. We stayed within them, and the American people are $23 billion richer in that they have not spent another $23 billion that they would have spent had we not done what we set out to do.

Mr. KASICH. Of course, again, what the people need to understand is this is really the only spending that the Congress of the United States was forced to approve in cooperation with the President. Is that correct? This is the only spending where, if we didn't come to work, Government would shut down; is that correct?

Mr. LIVINGSTON. That is correct. And as we all remember, when this House passed an Interior bill, a Commerce, State, Justice bill, and one other appropriations bill before Christmas, the President vetoed all three of those bills and, in fact, the government did shut down.

Likewise, when the Senate did not pass the Labor, Health and Human Services bill, frankly, that was in jeopardy of closing the government.

But we tried that. That was done on all sides, and, frankly, nobody felt they came out the better for it. We had to go back to the table. But we couldn't override the President's vetoes and we were left with no choice. So the idea was to negotiate with the President and still reach those budget caps. We did that and we have those savings.

Mr. KASICH. But we had to drag them kicking and screaming all the way to the water bucket and force them to drink, did we not?

Mr. LIVINGSTON. The President wanted much more spending.

Mr. KASICH. Let me just say, though, and I do not want to give just a civic lesson this morning, but for our colleagues who are watching this special order, our own colleagues, the discretionary spending, this year-to year spending that we must approve in order to keep government working, is only one-third of the budget. The other two-thirds of the budget is interest on the national debt and the entitlement programs.

Now, if BOB LIVINGSTON and JOHN KASICH and CHRISTOPHER SHAYS and PETER TORKILDSEN would not even

come to Washington, along with the rest of the Congress, that spending goes up automatically; is that correct?

Mr. LIVINGSTON. Automatically.

Mr. KASICH. Two-thirds of the budget is on automatic pilot going through the roof, threatening the future of our children, threatening economic security for every American today, and denying the American people a right to run their own programs with their own money, using their own judgments in their own communities.

We cannot force the President to sign a bill to give us those reforms, can we?

Mr. LIVINGSTON. Absolutely not. And I would point out to the gentleman, as he well knows, that the formula around here in Congress in the old days was very simple: We spent that much on that many programs. We need more programs, we will create several new programs, and we will throw in an inflation kicker, and for good will we will throw in a few more dollars on top of that.

So we were always spending more and more and more and more money. And then, all of a sudden, something funny happened on the way to the polls, Republicans took control of the House and the Senate and we have reversed that trend. We are now spending less and less. $20 billion of savings in fiscal year 1995 and $23 billion in 1996.

Mr. KASICH. It is just a shame that we cannot get or enter into with him the process that forces us to reform those entitlements, is it not?

Mr. LIVINGSTON. Well, if the President had signed the bill that you, Mr. Chairman, pushed through this Congress, frankly, we would be well on our way to a balanced budget by the year 2002. The fact he vetoes it makes me very, very frightened when I look at that chart that I have been showing around recently that shows that big red portion representing interest on the debt, which is so large that within a year or so it is going to exceed what we spend on the defense of this Nation.

We will spend more money just paying off the interest on our borrowings of past years than we will spend on the defense of this Nation. That is a frightening thought. And if that trend continues, our children will either have to pay extraordinary taxes to have the benefits at all and still will probably have to pay high taxes.

Mr. KASICH. But I would say to the gentleman, that staying within the blueprint that the Republicans laid out, you have achieved a major piece of that. If we were to achieve the other pieces of that blueprint, we would not only be able to balance the budget in the conventional terms in which we define it, we would also return an awful lot of power and money and influence to the American people and all the cities and towns across this country. We would guarantee a bright light at the end of this tunnel for our children so that they will have a beautiful American legacy, we would be able to give tax relief.

And, you know, in 1993 we raised taxes. The President says he raised them too much. What we are trying to do is cancel out those tax increases, frankly. And if we could just get the rest of this job done the right way, we would make for a better America, wouldn't we?

Mr. LIVINGSTON. So much so that we would also get the government out of competition for American dollars. We would cease to borrow money. And if we could cease to borrow money, that means interest rates would come down, and by Alan Greenspan's estimates, the chairman of the Federal Reserve, come down as much as two full percentage points, which means two points off the cost of your mortgage on your house; two points off the loan you use to send your kids to college; and two points off the loan you used to buy your car.

□ 2100

Significant savings to the American people, if only the Government would stop borrowing in order to conduct its business year after year.

Mr. KASICH. Mr. Speaker, I would ask the gentleman if he would stay for just a few more minutes. I would like to yield to the gentleman from Connecticut [Mr. SHAYS], a member of the Committee on the Budget who has felt passionately about the need to attack these problems.

Mr. SHAYS. Mr. Speaker, as I was hearing both of the gentlemen, both chairmen of this new Republican majority, I just kind of stood in awe thinking of the fact that the gentleman from Louisiana [Mr. LIVINGSTON] was the fifth ranking Member of the Committee on Appropriations. This new Republican majority said that we wanted the best and the brightest to take these positions. They were given that assignment. I was thinking what a thankless task it has been for them.

There is not a Member that has not been disappointed with certain parts of the hard decisions that they have had to make. I just wanted to come personally and thank my colleague for the extraordinary job he has done as the chairman of the Committee on Appropriations, the chairman who has actually had to make cuts in budgets.

We slowed the growth of Medicare and Medicaid but we still allow them to grow significantly. But you actually said, we are going to spend less dollars next year than the year we are in. And you are doing exactly what we intended to do. We wanted to get our financial house in order and balance our Federal budget. We want to save our trust funds for future generations. And most importantly, we want to transform this social and corporate welfare state, this caretaking society into a caring opportunity society. And I just wanted to thank you for the work you are doing and to celebrate the fact that it has been a long and arduous journey, but you have done it.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for his comments. I just know that he is one of the foremost among us in this House and empathizes with the hardship that the American family faces every day. Whether it is a two-parent family or a one-parent family who is struggling to raise his or her or their children, in this environment they have got to work maybe more than one job a day and they are struggling.

When the Government takes, continues to take that bite out of their pocketbooks and send the money to Washington because they say that Washington can spend their money better, those folks intuitively know that that is not true. They know that they have to balance their books, and they know that, if their expenses exceed their income, that they are going to run into financial trouble and possibly even legal trouble. Those people that run small businesses and large businesses as well know that at the end of the year they have got to balance their books or at the end of the month they have got to balance their books. Their income has to match their outflow.

Mr. Speaker, they just cannot understand that since World War II, the American people, the U.S. Congress has only balanced its books, I think, three times, three times. Otherwise we have been spending more than we receive, and we borrow the difference and just say, well, let our children pay the bill.

Mr. KASICH. Mr. Speaker, let me just say that it is in my judgment even more than about just adding up this column with this column. Frankly, Americans for a significant period of time now believe that their hard-earned tax dollars are going to programs that do not make sense, programs in this city, run by people addicted to Washington spending, who do not do it with a sign above their desk that says, this is not your money.

In other words, the American people believe the people in this city are not good stewards of their hard-earned pay. They are sick and tired of sending money, power and influence to this city, a city that has been proceeding on a course that is bankrupting this country and at the same time not solving the problems that we have.

Do my colleagues know what I think Americans are saying? Let me do it. Let me keep my money in my community. Let me have my influence back. Let me have control of my neighborhood.

Mr. Bureaucrat in Washington, I do not really need you in my neighborhood. Frankly, I wish you would just stay in Washington and let me run my own neighborhood.

What you have delivered to us, Mr. Chairman, is a new process. You have given us a new paradigm. That new paradigm is that this city counts less and people out across this countryside count more. This is a response to what the American people have wanted in this country.

Mr. Speaker, I will suggest that, if we had not stood on principle, if we had

not made the fight that we have made, we would have lost this. It would have been business as usual. Did we get everything we wanted? Of course not, because we have a crowd downtown that does not want to put people back in charge of their neighborhoods. But we are going to fight for it. We are going to fight for it on this. We are going to fight for it on welfare. We are going to fight for it to give our senior citizens choice on Medicare. We are going to give people their tax dollars back. And we are going to save not only the future for our children, but we are going to guarantee economic security today for the American family. You cannot have it with runaway Washington spending and debt and bureaucracy and standing in line.

This does not get it all done, but that sure delivers a very strong message and accomplishes a great deal. And you, sir, should be very proud of what you and your committee were able to achieve.

Mr. LIVINGSTON. Mr. Speaker, we could not have done it without the cooperation of both the gentlemen who have addressed me.

I just want to say that the appropriations process for the 104th Congress is a three-act play. Fiscal year 1995 was act one. We saved $20 billion. Fiscal year 1996 is, and we are drawing to a closure, is almost to an end, and we are saving $23 billion. And we go next week to fiscal year 1997. With the help of the chairman of the Committee on the Budget and the gentleman from Connecticut and all of our other colleagues, I think we are going to have as much to crow about at the end of fiscal year 1997 or more than we do today.

ON THE BUDGET

The SPEAKER pro tempore (Mr. LUCAS of Oklahoma). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I am sorry that the gentlemen of the Budget and the Appropriations Committees ended so abruptly. I was about to ask a few questions and have them address those questions. They are still in the Chamber so I will go ahead and ask the questions. Maybe they will give me the answers later.

In the process of revamping the budget, do they realize that—they realize above all that money comes into Washington and then flows out. Why does Louisiana, why does Louisiana get so much more money from the Federal Government than it pays into the Federal Government? The gentleman who heads the Committee on Appropriations is from the State of Louisiana, and Louisiana gets $6.4 billion more from the Federal Government than it pays into the Federal Government.

You can downgrade Washington and talk about Washington spending money, but Washington does not spend money in Washington. The Federal Government is merely a transit, an exchange. They pull in the money and they appropriate it out as it is needed for various functions, and it flows into the States across the union. There have been studies done that I have quoted here on this floor on several occasions about how much each State pays into the Federal Government and how much each State gets back.

Among the high roller States, the States that get more back from the Federal Government than they pay into the Federal Government, is Louisiana. Louisiana gets $6.4 billion more from the Federal Government. These are the 1994 figures, the only year the complete figures are available for. And these figures come from a study done by the Kennedy School of Government, a very thorough study which looks at all of the Federal expenditures for military installations, the salaries of servicemen, the various military related functions that are carried out by the States, as well as programs like food stamps and Medicaid. It is all totaled up.

Louisana is a big gainer. After this great revamping of the budget and revamping of the appropriations process, where they have saved so much money, will Louisiana be paying more of its fair share. Will Louisiana shoulder its own burden? New York, on the other hand, my State, pays $18.9 billion more into the Federal Government than it gets back from the Government. New York, New York.

I heard Mr. KASICH, the head of the Committee on the Budget, say that we do not need Government telling us what to do. Our neighborhoods should decide; our neighborhoods should be left alone. The neighborhoods of New York would like to have that $18.9 billion back and we could divide it up and take care of our own problems, but we are paying it into the Federal Government and not getting back an equal value.

In fact, we are the State of the Union at the very top of the list of the States that pay more than they get back. California is the largest State in the union. But whereas New York, in 1994, paid $18.9 billion into the Federal Government more than it got back, California only paid $2 billion more to the Federal Government than it got back.

California has had earthquakes and mud slides and large amounts of Federal money have gone to California in order to relieve those problems, but over the past 4 or 5 years, California has steadily paid less into the Federal Government than New York, although California is the largest State.

Mr. KASICH comes from Ohio, and Mr. SHAYS, who joined them at the last minute, he is from Connecticut. Ohio and Connecticut, like New York, are donor States. We pay more into the Federal Government than we get back from the Federal Government.

My great question is, after all of these changes are made, after they have cut the school lunch programs, after they have downsized and cut the housing programs, after they have gone after the Medicaid program, the Aid to Families with Dependent Children program, after food stamps have been cut, after they have made all these cuts of relatively small programs, they have not cut defense very much. In fact, these same gentlemen who stood here before us and talked abut a revolution in the budget and appropriations making process did not cut defense. They increased defense by $6 billion. At a time when the Soviet Union no longer exists and the threat to America is less than ever before, we have an increase of $6 billion.

The President did not want 46 billion more for defense. The President did not want a B–2 bomber. The President did not want extra money for certain kinds of programs that were beneficial to members of the Committee on Appropriations and members of the Committee on the Budget for their States.

We have a lot of waste in the defense budget, and these gentleman did not attack that at all. So I think it is very important to what I have to say today to recognize the fact that there is an America, this is a particular era in America where we have 2 basic approaches being taken, maybe 2 mentalities being shown. One is a big shot mentality which says that the rich and powerful can do no wrong, the rich and powerful should be allowed to waste money on a wholesale basis, because when you increase the defense budget by $6 billion, it is already above $200 billion, what are you doing? You are increasing the amount of money available to go into the payment for manufactured weapons and for supplies and for various items that are bought from huge corporations. And the corporations are owned by people who have stock on Wall Street. So you are feeding the richest people in America. They have their hooks into the defense, the military industrial complex.

So every dollar that goes for defense is a dollar you know is going to help rich people get richer, to help powerful people get more powerful, because there is a relationship between dollars and power. Those programs are not being cut, only the cuts for the people at the very bottom.

There was a hearing today in the Committee on Economic and Educational Opportunities, a markup at the subcommittee level dealing with a program for people with disabilities, the IDEA, Individuals with Disabilities Education Act. This is providing education for children in America who have probably the greatest needs. Extra money has to be spent to educate these children because of the fact that they have great needs. They have problems, learning disabilities, physical disabilities. And the amount of money that the Federal Government contributes to this program is very small. It is 7 percent of the total. States and local governments contribute more, most of the money.

Nevertheless, the committee is chipping away at the small amount of money being spend on children with disabilities all across America. They are chipping away at the programs. A great deal of time and energy has gone into nitpicking about this costs too much for attorney's fees, it costs too much to run a parents program where the parents have an opportunity to get educated about what the program is all about and they can, they are empowered to work with the schools in order to get a better education for their children, all these things suddenly cost too much.

These are programs for little people. These are programs for ordinary Americans, we the people. We the people do not seem to count very much. We the people are always the object of intense scrutiny. The microscope of the Committee on Appropriations, the microscope of the Committee on the Budget is focused on these little programs that have very small amounts of money, and they are trimming away at these little programs in order to save America from going bankrupt.

□ 2115

It is rank hypocrisy, rank hypocrisy. These same committees, the great Committee on Appropriations, the great Committee on the Budget, are not concerned at all about facts that are introduced by other entities. You know we do not find out here in Congress; other people have to tell us.

The General Accounting Office tells us the CIA has $2 billion, at least, in money that it did not spend over the years and it had lying around in the petty cash fund. The CIA has that kind of money lying around.

An audit revealed that they had $2 billion, $2 billion that the director of the CIA did not know about, $2 billion that the President did not know about.

Two billion dollars is a lot of money; ask these gentleman here. You know, $2 billion, we can stop the cuts in the school lunch programs with $2 billion for more than a year. Two billion dollars would mean that we could fund the title I programs for schools, provide money, the only money we provide, to elementary secondary education school, education. I mean most of the money comes out of the title I program. A $7 billion program, and they were proposing earlier in the year to cut it by $1.1 billion.

But $2 billion for the CIA could have ended that cut for 2 years. They were going to cut it by $1.1 billion per year. So that meant that in 2 years it would have been $2.2 billion. Take the money that the CIA has laying around, waste it, and you could end the cut, most of the cut, on title I.

The Federal Reserve Board, another big-shot agency, an agency where big shots, the rich and the powerful, run the agency. The rich and the powerful have money lying around to the tune of $3.7 billion. The General Accounting Office found that the Federal Reserve has $3.7 billion lying around that it has not used. They call it their Rainy Day Fund.

In 79 years, in the last 79 years, the Federal Reserve has never needed to use that Rainy Day Fund. They have never had any losses, never had any crisis or problems in 79 years. So why do they need to have $3.7 billion lying around? How much interests would you get on $3.7 billion to offset the payments on the deficit? If that $3.7 billion had been given to the Treasury, where it belongs, we would not have a situation where you pay interest on $3.7 billion worth of debt. You would have that much less to pay.

Combine the $3.7 billion in the Federal Reserve slush fund with the $2 billion in the CIA slush fund, and they have large amounts of money that could be appropriated for education.

Gentleman stood there and they talked about how proud they were that they made cuts in the education program. They were not just talking about cuts. But one of them said we, we, want the parents of America to know that we have stopped the Federal Government from telling them what to do by cutting out the Goals 2000 program.

Well, there are several things wrong with that statement. The gentleman is assuming that the Committee on Appropriations and the Committee on the Budget have all knowledge. The Committee on Economic and Educational Opportunities, of course, authorized the legislation which contains Goals 2000. The Committee on Economic and Educational Opportunities authorized the legislation which contains Opportunity To Learn standards.

I serve on the Education Committee. I know the process. We debated for 6 months the Opportunity To Learn standards. We debated for 3 months the Goals 2000 general program. We debated for another 2 months with the Senate. And the back and forth in the Senate conference and the House conference went on for 2 months on the Opportunity To Learn standards alone.

With all this deliberation and all of this marshaling of facts, hearing testimony that the authorizing committees went through in the Senate and the House, along come the lords of the appropriation committee, and they are in the appropriation process going to tell us it is no good. They have all the knowledge, they have all the wisdom, it is no good. The implication is that we should just abolish all of the other committees of Congress. You know, we do not need a Committee on Economic and Educational Opportunities. We do not need that. We do not need other committees if the Committee on Appropriations, after its large-scale deliberation on numerous topics and numerous programs, is going to come to the conclusion that they can wipe out a program in the appropriations process.

We all know that that is against the rules. We all know that the Committee on Appropriations has no authority to wipe out a program like Goals 2000, like Opportunity To Learn standards, and yet we have seen again and again on the floor of the House when we challenge the Appropriations Committee, we say you have violated the rules. They said, yes, we violated the rules; you do not like it, appeal to the Chair. And, of course, they have the numbers to vote down every appeal of the ruling of the Chair.

You know, every attempt to get the Chair to enforce the rules is frustrated by the fact that they have the numbers and they use those numbers. You know if we were in another arena, it would be illegal to use the numbers to do illegal things. Of course, the House rules are the House rules. You violate the House rules, and there is no punishment. We cannot put a committee in the little jail cells we have down in the Capitol. In this Capitol we still have from the old days, had some jail cells that they used to keep to put rowdy staff members and Congressmen. We do not use that any more. So when the Committee on Appropriations violates the rules, there is no enforcement mechanism, and the majority vote can always back up the Committee on Appropriations.

So what we are talking about tonight is America, does America exist for the rich and the powerful only, is there an America where we the people are still in charge, is there an America where we the people matter?

We the people have a little program helping children with disabilities. You know, does it cost $2 billion? No, it does not even cost $200 million. Tiny program, helping children with disabilities, a program that was supposed to deal with rural communities where children with disabilities were totally out of touch with the program, urban communities where poor people were out of touch and they were not being served, they were not participating. That tiny program was singled out today in the process of the markup of the subcommittee and wiped out, does not exist any more if that markup goes through.

They also cut other provisions.

They also implied that the commitment of the Federal Government for children with disabilities is too great. You know, in this great, rich country where we can afford to have a Federal Reserve keep a slush fund of $3.7 billion an the CIA have $2 billion lying around, we cannot afford to take care of the needs of children with serious disabilities.

Is America for the rich and powerful only? Are we a Nation of big shots versus ordinary, everyday people where the big shots walk away with everything, nothing is too good for them, anything is too much for ordinary people?

That is the way the Republican majority in this Congress has proceeded. The omnibus bill that they are bragging about and crowing about is a bill which has gone after little people, a bill that is focused on the small programs.

They also implied the big shots can never waste too much, big shots should never be chastised. They do not make speeches about the Federal Reserve Board having $3.67 billion lying around. They do not make speeches about the CIA having $2 billion lying around.

It is worse than that, of course. There is a much worse problem that we have to deal with.

A friend of mine, my colleague from New York State, CAROLYN MALONEY, has done a study of all the debt that is owed to various Federal agencies, debt that is owed that is uncollected.

Now, here we are cutting school lunch programs, here we are going after the Medicaid Program, a program for health care for poor children, a program that takes care of nursing home people, poor and cannot afford to pay for nursing homes. Here we are going after programs that are vitally needed by people who are in great, and we are not paying attention to the fact that $55 billion, according to the study done by my colleague, CAROLYN MALONEY, Congresswoman MALONEY, on the Government Oversight Committee has done, a study which is fantastic, and she really should be commended for the great work she has done in this area. She has pinpointed, and she has documented, and I have the charts here. She goes agency by agency and shows, according to the last data that was available, and things might have gotten worse since then, the last data that is available, what is owed in the Farmers' Home Loan Mortgage and other programs in the Department of Agriculture, one of the major offenders. Large amounts of money are owed in the farm programs. The Farmers' Home Loan Mortgage Program is the worst offender. Large amounts of money, debts have been forgiven, forgiven in the Farmers' Home Loan Mortgage Program.

I cannot find out yet what is the criteria for forgiving someone who owes a debt to the Federal Government. Who makes those decisions? From my poor constituents in Brownsville, and East New York, Crown Heights, back in Brooklyn, I am sure they would like to know who is the person you see that forgives debts when they are owed to the Federal Government.

There are people out there who owe a few thousand dollars to the IRS, and they are being continually pursued. There some people, a head of small programs, programs that have funds, and they did not quite know how to handle the bookkeeping. So they were in a situation where the grant funding came late from the State, and they needed supplies, and they needed various things, and they spent the money that they should have been each quarter sending to the IRS. IRS now wants its money. So it is some of the programs have gone out of business, so they are going after the homes of the members of the board of directors, these little people who came out to help make these programs work. They did not get paid; they were just members on the board. They must now have their homes jeopardized because the IRS wants to let unpaid taxes from that agency.

And yet talking about a few thousand dollars here. You know, you are not talking $1 million, not talking about a $100,000. Talking about a few thousand dollars that they are being pursued for. But in the Farmers' Home Loan Mortgage forgave over a 5-year period $11 billion, $11 billion they forgave.

How does that happen? I have asked questions for the last 2 years and tried to get answers as how do you go about forgiving that kind of debt? But in the Department of Agriculture somebody has the power to forgive.

On occasion we had the Department of Agriculture representatives before us in the Committee on Government Oversight, and we asked basic questions like how does it happen that people get so delinquent in the payment of there mortgage loans? You know. My mortgate is not paid in 1 month, you know I get a big penalty, and I get a notice second month that they are ready to start foreclosing procedures. How do millions of dollars accumulate for farmers home loan mortgage situation?

I was told by the man standing there who was a high ranking official that, you know, sometimes the addresses change, people move, and you just cannot find them when their addresses change. Now I do not know how anybody with a mortgage on a piece of property can have his address change so radically that you cannot find him. The property is still there, they still own it. How can you sit before a committee of Congress and give an answer like that, that we have a hard time finding people because their addresses change?

But it was done, you know, and I am not one of these guys who bashes the Federal Government and the bureaucracy, but that was a low point in the Federal bureaucracy when they give that kind of answer. Of course State bureaucracies, city bureaucracies, are just as bad. We heard all the discussion here about how terrible it is that money flows into Washington and it is not spend properly. Washington, you know is not alone. Probably Washington does a better job. Its bureaus and bureaucracy does a better job than most State governments and most municipal governments.

The spotlight of course is on Washington. One of the greatest things about the Federal Government is that it is always a gold fish bowl because there is the national media, and there are all kinds of people who are watching critically, but at the State and city level there are terrible things that happen in silence. Nobody says anything. A lot of terrible things happen, and it is not hidden, but everybody seems to be paralyzed.

In New York City, the mayor of New York City who prides himself on reestablishing efficient government, who has a deputy mayor who comes out of business, and he is always pounding away at expenditures by little people and little agencies driving the welfare rolls down by making a long application and requiring people who are hungry to wait 2 or 3 months before they can ever be interviewed.

☐ 2130

There are all kinds of ways they use to oppress the little people at the bottom. On the other hand, they let out a contract to an agency for $43 million. The City of New York, the Giuliani administration, they put out a contract for $43 million to an agency and the board of directors of the agency never saw the contract. The chairman of the board said he never saw the contract. A staff member of the agency negotiated the contract and signed the contract.

Of course it was later discovered that people in the agency that let the contract, negotiated the contract at the city level, they had some of them go and get jobs. They got jobs at the agency with which they had negotiated, so it is obvious that something more than mismanagement was going on here. We had mismanagement and corruption.

We have not heard of a single person being arrested as a result of this $43 million contract. Oh, yes, they took back the contract, they canceled the contract, closed down the agency, a lot of furor about ''This cannot be,'' but no real answer as to why or how does an agency have a staff member negotiate a contract for $43 million.

I do not think you would have that happen in the Federal Government. Whatever things that you might find wrong, you will not have that kind of blatant violation of ordinary sophomoric rules of contracting, but it happens often at the level of municipal government. It happens often at the level of State government.

In our State, we have a governor who openly is saying he is going to move the functions of government around the State and place those agencies that employ large numbers of people in the areas where he got the most votes. It is no secret. It is all out there. How can a State allow the functions of government or the agencies of government, the resources of government, to be used for partisan purposes? But big shots seem to be able to do this.

In America now where the big shots can walk away, do anything they want, they owe the Federal Government millions of dollars. When the Farmers Home Loan Mortgage story was first broken, the Washington Post had a front page story and they talked about 5 millionaires who were perpetrators, who were guilty, 5 millionaires. One of them was sitting on a board appointed by President Reagan that made decisions about who got to keep and who got additional loans.

Five millionaires. I do not know of a single millionaire that was arrested, has been tried or convicted of anything, among those millionaires who

were cited. They were named. The Washington Post named them. Four or five. At least four, who were named. Yet the rich and powerful were not worthy of a hearing. I do not know of any hearings that were held to deal with that story.

The chairman of the committee, one of the members of the committee I saw shortly after the story, the Committee on Agriculture here in Congress, I saw him shortly after the story broke. I asked him what he was going to do about it. He said, ''You better believe we're going to hold some hearings and get to the bottom of this.'' I do not see any record of any hearings being held which got to the bottom of it.

Even now when I call and have my staff try to get information about where we are now with the Farmers Home Loan Administration program, you get vague answers. The figures are right now that at least $10 billion is outstanding, delinquent, at this point right now, $10 billion. How much of that will they forgive? They still will not tell us the rules of forgiveness. They still will not tell us how you get that.

We can go after children with disabilities, we can try to wipe those programs out because America cannot afford them. We imply that children with disabilities would bankrupt America. There is a smear campaign going now on all the special education programs.

There is a lot of furor being generated about children with disabilities not being held to the same standard as other children in the school. Yes, they are protected by law. You cannot suspend them or expel them in the same way you do children who do not have disabilities, so they have used that as pretext to smear the programs.

There is a great problem, they say. What if the kid brings a gun to school, a child with a disability brings a gun to school? That is a major problem, it has been played up now. We have got to get rid of guns in the hands of children with disabilities. Ask the question, the simple question, how big is the problem? How many instances of children with disabilities having guns do we have?

The answer is that we do not have any studies, nobody has collected any information. We just have one or two incidents that they can cite. You can cite one or two incidents to show or prove anything. You can cite some incidents but the problem when you probe a little further, the problem is minuscule. There is no great problem of children with disabilities bringing guns and weapons to school.

But a crisis has been manufactured because this is one more way to smear the programs of children with disabilities. It is one more way to play into a situation where local superintendents and administrators are upset because they have to spend more on the education of children with disabilities than they spend on other children. So they would like to be able to get their hands on that money, and they would do anything to discredit the program for children with disabilities.

I am not saying that the program for children with disabilities does not have some problems. I have been a major critic of certain kinds of excesses. The way they are administered, the way they are handled in New York City has resulted in large numbers of children with a delinquency problem, a discipline problem. They should not be in the program for children with disabilities.

It is a dumping ground for teachers who want to get rid of children who are a problem, but they are discipline problems. There ought to be some way to deal with it. We ought to provide them with some way to better deal with discipline problems, but there are not problems with disabilities. That has been an ongoing criticism that I have of the program. It is a valid criticism that most of them cannot answer.

So we need to deal with that. We need to deal with each problem as it arises. But to smear all of the programs for children with disabilities, and to set the children who do not have disabilities and their education against the smaller percentage of children who do have disabilities, and to try to take the money away from the disability programs in order to solve budget problems in the larger school budget, is unworthy of Americans.

Really we have a problem with funding for schools. These gentlemen here who pride themselves on having cut the budget have cut education funding. Oh, yes, they are gong to put back the $1.1 billion they cut for Title I. I applaud that. I congratulate them. They will put back the $1.1 billion. But they have cut training programs, teacher education programs, a number of programs that still will not get the money back, and we should have been increasing the amount of money available for education. We should have been increasing it.

We should not be standing here proud of the fact that we made dramatic cuts in education. Instead of the citizens out there, teachers and children and administrators, all uniting to demand of their governments at every level, whether it is the city governments or the State governments or the Federal Government, instead of demanding at every level that they fund education programs consistent with 20th century demands before we go off into the 21st century, they fund money to bring the school buildings up to date so they can be wired properly and have high-tech equipment like computers and science equipment that is needed. Instead of making the demand on the government, instead of waging the war on the people who make decisions in our government, too many of them are willing to engage in cannibalism. Too many are willing to try to eat what exists. They are going to eat up, devour the special education programs in order to satisfy the needs of the rest of the budget.

I think that is a harsh way to put it, but I can think of no other way except to say that that is happening. Right now the programs for children with disabilities are in great trouble because that is being used as an excuse by certain decisionmakers here in Congress for chipping away at these tiny programs that are already too small, that serve children with disabilities.

Big shots, nobody wants to talk about that. We have not had a single hearing on the Federal Reserve slush fund. If the CIA oversight committee has had a hearing, then I have not heard about it. The Intelligence Committee probably is dealing with that but they do not tell us, so I cannot say a hearing did not take place.

Some people, however, have challenged me. Some people who have heard me talk about this before have called and said, ''You know, you make these charges against the CIA. How do you know? On what basis do you make these charges?''

I want you to know that I am not a member of the Intelligence Committee, so I have no oversight responsibilities there. I do not get a chance to see the actual figures, and I am like any other American, I read the New York Times and I read the Washington Post, and I read other newspapers who have their sources.

On several occasions, in several of these papers, I have read that at least $2 billion was found in an audit of the CIA, and going beyond just stating that $2 billion was found in an audit, there was an article which appeared in the New York Times on Tuesday, February 27, 1996 which talked in great detail about actions taken to remedy the situation: ''Spy Satellite Agency Heads Are Ousted For Lost Money.'' That is the headline for this article.

''The top two managers of the National Reconnaissance Office, the secret agency that builds spy satellites, were dismissed today after losing track of more than $2 billion in classified money.'' That is the first paragraph of this article by Tim Weiner. It does not say it is alleged. It does not say ''sources say.'' It states it as a fact.

''The Director of Central Intelligence, John Deutsch, and Defense Secretary William Perry announced''—oh, there was an announcement—''that they had asked the director of the Reconnaissance Office, Jeffrey K. Harris, and the Deputy Director, Jimmie D. Hall, to step down.'' Then it goes on and explains how $2 billion got lost and the President did not know about it and the director of the agency did not know about it.

Mr. Speaker, I include this article that appeared on February 27 in the New York Times in its entirety in the RECORD because I do not want people to continue to question my accuracy. Here is an article which I think names names, talks about announcements, and it clearly establishes that $2 billion was lost.

[The New York Times National, Tuesday, Feb. 27, 1996]

SPY SATELLITE AGENCY HEADS ARE OUSTED FOR LOST MONEY

(By Tim Weiner)

WASHINGTON, Feb. 26—The top two managers of the National Reconnaissance Office, the secret agency that builds spy satellites, were dismissed today after losing track of more than $2 billion in classified money.

The Director of Central Intelligence, John Deutch, and Defense Secretary William J. Perry announced that they had asked the director of the reconnaissance office, Jeffrey K. Harris, and the deputy director, Jimmie D. Hall, to step down.

''This action is dictated by our belief that N.R.O.'s management practices must be improved and the credibility of this excellent organization must be restored,'' Mr. Deutch and Mr. Perry wrote in a statement. A Government official close to Mr. Deutch said the intelligence chief had lost confidence in the officials' ability to manage the reconnaissance office's secret funds.

Keith Hall, a senior intelligence official who has managed satellite programs for the Pentagon, was named today as deputy director and acting director of the reconnaissance office.

The reconnaissance office is a secret Government contracting agency that spends $5 billion to $6 billion a year—the exact budget is a secret—running the nation's spy satellite program. The satellites take highly detailed pictures from deep space and eavesdrop on telecommunications; everything about them including their cost, is classified. The secret agency is hidden within the Air Force and is overseen jointly by Mr. Deutch and Mr. Perry.

But overseeing intelligence agencies, especially an agency as secretive as the reconnaissance office, whose very existence was an official secret until 1992, is no easy matter. Well-run intelligence services deceive outsiders; poorly run ones fool themselves. This apparently was the case with the reconnaissance office.

Its managers lost track of more than $2 billion that had accrued in several separate classified accounts over the past few years, according to the Senate Select Committee on Intelligence. The committee had thought the sum was a mere $1.2 billion until auditors called in by Mr. Deutch found at least $800 million more in the reconnaissance office's secret books this winter.

The auditors told Mr. Deutch that the way the reconnaissance office handled its accounts was so arcane, so obscured by secrecy and complexity and so poorly managed that a $2 billion bulge in its ledgers had gone unreported.

''Deutch did not know, Perry did not know and Congress did not know'' about the surplus, an intelligence official said. ''There was a lack of clarity as to how much money was there and how much was needed.'' The audit is continuing and is expected to be completed by April.

The reconnaissance office also spent more than $300 million on a new headquarters outside Washington in the early 1990's. The Senate intelligence committee, which appropriates classified money for intelligence agencies, said it was unaware of the cost. In the only public hearing ever held on the subject of the National Reconnaissance Office, Mr. Hill testified in 1994 that the construction of the building was a covert operation and the money for it had been broken into separate classified accounts to conceal its existence.

The reconnaissance office is one of 13 intelligence agencies under Mr. Deutch. All will be covered in a report to be issued on Friday by a Presidential commission on the future of intelligence. The report will address the question of whether government spending for intelligence—an estimated $26 billion to $28 billion a year—should continue to be officially secret.

Of course the Federal Reserve Board has not denied the fact that $3.7 billion or more, it may be close to $4 billion that the Federal Reserve Board had on hand, unused, as part of its rainy day fund. That has not been denied. I will not quote articles. There are plenty of documents around which validate that.

Why do I go on like this? What does it have to do with the 11th Congressional District in Brooklyn? The 11th Congressional District in Brooklyn is made up of people, a large percentage of which are poor. We are 1 of the 25 poorest congressional districts in the country.

It varies, of course. There are some areas where we have middle class homes and people who have a little more substance, but in a community like Brownsville, for instance, or in a community like East Flatbush, for instance, there are large numbers of poor people. Then there are also middle-class people who have enough money to try to buy a co-op in a large building.

There is a building that I was in last Saturday which has more than 100 units. We have some pretty big buildings in my district. In fact, I have the smallest congressional district in the country. My congressional district covers only 10 square miles, 581,000 people in 10 square miles, so you can imagine how many tall buildings I must have in my district.

Here is a building that I went into at the request of lieutenants where, of the 100 units, a process was begun several years ago to co-op the building, so the owner of the building started selling co-ops. Twenty people paid down their down payments and they got their loans and they owned their apartments.

Along comes the savings and loan debacle. Remember that one? That, I have talked about so often, is this big shots again. I have talked about the savings and loan swindle, the biggest swindle in the history of mankind, where the total might become as high as a half a trillion dollars, $500 billion, before it is all over.

Savings and loans will be in front of us again soon. I understand we have to vote on a thrift fund package. The thrift fund package is a package established to help bail out savings and loan units. They sold bonds, and now the bonds will come due and there is no money to pay. It is very complicated.

I talk about it because I am not concerned with high finances and I am not concerned with trying to do the job of the Banking Committee. I am only concerned about the little people in my district in this building who are the victims of the ultimate slime, the ultimate feces that goes down as a result of failure of big banks that were loosely regulated, badly regulated, and they were allowed to give these loans without proper collateral. They were allowed to let landlords and owners do very tricky financing, so that in addition to a mortgage being on each apartment in this building that was sold, the landlord had a wraparound mortgage for the whole building.

□ 2145

When the collapse came as a result of there not being the kind of value there that he had been allowed to assert was there, it was a savings and loan institution that had to suffer the collapse. It was a large organization like Freddie Mac here in Washington that ended up buying the building, and Freddie Mac is now the owner of the building. The 20 people who had equity, money invested, have lost all of their money, because through the complicated maneuverings of the high finance and the real estate financing, which I do not pretend to understand, the building reverted back to a rental building totally. So it is a rental building now, and the people who thought they owned their apartments who owe $90,000, $60,000 to $90,000 on their apartments, now own nothing, unless something drastic is done.

In addition to that, Freddie Mac, and Freddie Mac is a Washington-based institution, a national institution, and I am citing Freddie Mac because Freddie Mac, I intend to come after you. I want you to help resolve this problem. The little people in my district, little people, in this case who are working people, who have enough assets to be able to have started the process of trying to own their own apartment, they are out there in the cold. And Freddie Mac and its cohorts have hired rental agents and managing companies and they are trying to get their money by neglecting the building. The plumbing in the building is outrageous.

I was carried on a tour through the building, and I saw the building which is 10 stories high, it means the plumbing is bad, it is bad all the way down that line. And the people on the bottom, I guess they get the worst of it. And one lady talked about having to use boots in her apartment for a long period of time before they did some repairs. But the repairs have by no means been completed. The ceilings are open, the drips are still there.

What does this have to do with savings and loans swindles, what does it have to do with the failure of the Congress to properly regulate savings and loans? What does it have to do with the fact that most savings and loan crooks got off without going to prison, paying the money back? What does it have to do with the fact that we cannot get a decent clear report as to the status of the savings and loan bailout now? What does it have to do with the fact we are going to be voting very soon again on another appropriation for the savings and loan bailout, while we are cutting programs for children with disabilities, cutting programs for opportunities to learn education? How does it

all tie together? How does it all tie together with my assertion that the rich and famous and powerful seem to get away with everything, while we scrutinize and oppress the people at the very bottom?

The people who are the tenants in this building, the people who thought they were owners of those co-ops, they are the people at the very bottom. They are in my district. I will not waste my time here on these high financial matters trying to reform government or expose the fact that there is no reform, that big government is as big as it ever was when it comes to the rich and powerful, and nobody is seeking to really bring the rich and powerful to heel. Nobody is dealing with the uncollected debts that amount to $55 billion. Nobody is dealing with the savings and loan scandal that keeps going, quietly. We are taking care of that. But every time the savings and loan debacle says to Congress we need more money, we appropriate more money. We get a message, it has to happen. The financial markets are going to collapse if we do not appropriate more money.

A very interesting matter arose in Japan. Here I am going across the water. You think I am rambling? No. In Japan they have a savings and loan scandal. They have a banking scandal similar to the American savings and loan scandal, a huge situation where large numbers of banks are collapsing, real estate markets are collapsing. The government is called upon to bail out the situation.

I thought it was very interesting the reaction of some Japanese legislators. You know, we sweethearted the process here in America. Both parties, together, became mum and they never had hearings to expose the criminality of the savings and loan banks and the other banks that were also more regular banks collapsed. Savings and loan, we called it the savings and loan debacle because they started it. There were other banks, larger amounts of money, and they were also regular banks under the jurisdiction of the FDIC and Federal Reserve Board. We had all these controls and regulations, and still there was so much collusion from one level to another, the decision makers in bed with the regulators, and the regulators in bed with the banks.

It was a once-in-the-history-of-mankind situation. No swindle has ever been pulled off as great as that, and no swindle has ever taken place where so many people got away with it.

So much crime that did pay. It paid billions of dollars. But in Japan, you have a very unusual thing that happened. The story in the New York Times says that one Japanese party staged a sit-in in the legislature. They blocked the chambers where the debate was taking place on the bailout for the banks. Very interesting. If you want to know what the possibilities are, what more we could have done, then I will quote this article a little bit and you will see what the Japanese did, faced with the same situation.

The savings and loans collapsed, real estate market collapsed, it resulted in little people at the very bottom suffering greatly, like the people in my district who were suffering in this one building. All their money gone down the drain, now they have to fight a landlord and a management company that will not even repair the pipes. A group of tenants were taken to court on Monday, and I went down to the court. They postponed the case. Those people had all taken off from work to go. Now the case is postponed and they have to come back. The little people are harassed even by the court system.

How does it all relate back to Japan and the politicians in Japan becoming so militant and so angry that they staged a sit-in? Some of Japan's leading politicians are spending their time in a sit-in. This was reported in the New York Times on March 16, 1996.

''It is a battleground, said Kojimoro Moto,'' quoting from the article:

> a member of the House of Representatives who is also an organizer of the sit-in which at the time of this report was in its second week. When they said it is a battleground, that is a bit of an exaggeration perhaps, but there is no mistaking the seriousness of the conflict. Those protesting are the main opposition group, the New Frontier Party, and they have succeeded in paralyzing the Japanese budget process. The New Frontier Party's aim is to block the passage of the budget bill for next year. The party objects to an unpopular provision in the bill to use about $6.8 billion in taxpayer money to absorb losses in the liquidation of seven of the nation's bankrupt mortgage lenders.

Let me just repeat that:

> The New Frontier Party was sitting in in the legislature of Japan blocking the budget process from going forward, and their aim is to block the passage of the budget bill for next year.
>
> The party objects to an unpopular provision to use about $6.8 billion in taxpayer money to absorb losses in the liquidation of seven of the nation's bankrupt mortgage lenders.

This is a bailout for the banks similar to the savings & loan bailout in this country.

Now, I was in Congress when the bailout began here for the savings & loans in this country. We never had a figure as low as $6.8 billion. I think the first bailout money was $7 billion, and it got higher. It got to $50 billion, $75 billion, and we kept being told ''it is off budget, so don't worry about it.''

Off budget does not mean the taxpayers do not still pay. That means in the calculations for the budget that year, you do not have to figure it. It becomes part of the deficit.

We appropriated never as little as $6.8 billion. But the Japanese members of the legislature, the equivalent of Congresspersons, were sitting in to block that from going forward.

We are going to have on this floor within a few days a bill to continue the bailout of the savings & loans called the Thrift Fund. While we are cutting programs for children, programs for the elderly, while we are going after Medicaid, Medicaid is on the agenda, Medicaid will be cut, the bargaining process that goes on between the white House and the Republican majority here is such that the Republican majority always wins something, and every step of the way they have won some cuts, so we can expect Medicaid will be cut. That is the least that we can expect.

The most that we can expect is that Medicaid will be given to the States. All the Governors, both Democrat and Republican, have decided, voted, they wanted Medicaid to be made a block grant. Take away the entitlement and give it to the States.

So those cuts are going to go forward at the same time we have voted for a $6 billion increase in defense, and we are now going to be voting to bail out more of the banks. It is going to be billions of dollars. They will not come with a few hundred million, I assure you.

Let me go back to the Japanese. To quote from the article about the Japanese sit-in,

> ''Critics of the bill say that $6.8 billion is just the beginning of the bailout, for the banks are saddled with at least $400 billion in bad debt. The provision has prompted a public outcry against bankers and bureaucrats, who many believe are responsible not only for the nation's bad debt, but also for the stagnant economy.

I will not read any more at this time. I just want to draw the parallel. Nobody on this floor has ever mentioned the fact that the Japanese have a swindle, a scandal, of the same dimensions, did you hear what I just said, the $6.8 billion is just the beginning. They think they have a problem of at least $400 billion.

In this country, we never got a figure, but it always kept growing. Stanford University at one point, who had more of the figures that anybody else, estimated that the savings & loan bailout in America, the greatest swindle in the history of mankind, would cost the American taxpayers $500 billion, half a trillion dollars, before it was over.

We cannot yet clear reports. We do not know how close we are to the $500 billion yet. But it is affecting everybody at the lower levels in this country, the ordinary Americans. You are being made to suffer for what the rich and powerful have walked off with.

Even the $5.15 per hour minimum wage now is being seen as a threat. We are told that the American economy will suffer. Industry is trembling because we have a proposal to raise the minimum wage by 45 cents per hour per year, 45 cents per hour in one year and 45 cents an hour in another year, which means after 2 years the minimum wage increases would go from $4.25 to $5.15 per hour. $5.15 per hour is called a threat to the American economy.

The little guys on the bottom, everything is too much for them. The guys on the top can get away with billion dollar slush funds, they can wreck the banking economy and the taxpayers

are forced to bail them out through the Federal Deposit Insurance Corporation. But the little guys on the bottom asking for $5.15 per hours for their labor, it does not even come out of the Treasury. The American Government does not have to pay the $5.15 per hour. The Government does not subsidize wages paid by industry. It does not come out of the taxpayers' money. It comes out of the industries that hire the people.

But there are some here in the leadership of the recommend and majority who have indicated that they will not have any hearings or discussions on a minimum wage. They indicated that earlier in the year. And that if we pass the minimum wage increase this year, it will be ''over their dead body.'' That strong statement was made by a leader of the Republican majority.

Fortunately, public opinion in America is galloping forward. Fortunately, public opinion understands that this is ridiculous. Public opinion is comparing the prosperity on Wall Street and the large amounts of money being paid to stockholders and the large amounts of money being paid to corporate executives, my colleague here before from Chicago was talking about the gap between the corporate pay of executives and the amount of money people are earning at the very bottom, and Americans are not dumb. Fortunately, public opinion, by more that 76 percent, says that we ought to have an increase in the minimum wage in America.

□ 2200

Fortunately, the hearts of the American people are still not so hard and so corrupted that they cannot understand the arithmetic of $5.15 per hour, which comes out to a little more than $9,000 per year. Right now people are making about $8,000 a year on minimum wage. They would be making about $9,000.

Another thousand dollars would make a big difference in the lives of people in terms of groceries on the table, shoes for the kids, the payment of a light bill, the phone bill. It is not a small amount for poor people, for those at the very bottom, and most people cannot sympathize here in this Congress. We can forgive billions of dollars in loans for farmers' home loan mortgages, but we cannot see the need to give $5.15 as a wage, hourly wage, for people who are working.

We have had many attacks on welfare mothers, which is a misnomer, because the Federal Government does not pay money to mothers. The mothers of children who are considered dependent children receive the checks on behalf of the children. Aid to Families with Dependent Children has been under one steady stream of attack. It is all over just about now. They are going to take away the entitlement. They have made the cuts. But it is a small program. It is a tiny program compared to the farm subsidy program, for example.

The farm subsidy program, which allows Louisiana, part of the reason Louisiana gets so much money, and I am going to tie this together now, part of the reason Louisiana gets so much money from the Federal Government is because not only does it have military installations there, but it also has farm subsidies it gets from Washington.

The State that gets the highest amount of money from the Federal Government per capita is New Mexico. In terms of what it pays in, New Mexico gets back more per person than any other State. Why? Because New Mexico has the largest, a large number of farm subsidies, programs that receive subsidies from the Federal Government. New Mexico is at the top per capita, $3,255 more per person they get from the Federal Government than they pay into the Federal Government.

What did the gentleman who was speaking here before from the Committee on the Budget and the Committee on Appropriations, what do they do about the fact that New Mexico is at the top of the list? Farm subsidies for the rich and the powerful, because farmers do not have to prove they are poor in order the get subsidies. Farmers do not have to prove anything except that they are farmers and they have land. They get paid for not plowing the land or not planting grain and nobody asks them how poor are you or how many in your family. Farmers just get it. They are rich and they are powerful or they are hooked into organizations that are powerful. So in America the rich and the powerful are definitely not subjected to the kinds of budget cuts and the scrutiny that the children in the lunchroom are.

We are going to force teachers to walk around the lunchroom and pick out immigrant children and make sure no immigrant child gets a free lunch paid for partially by the Federal Government.

I want to make a correction here on my statement on minimum wage. The Republican majority said they would not have any hearings, no discussion on minimum wage at the beginning of this Congress. But because the pressure has been applied steadily by the American people, because common sense has said you ought to discuss it and you ought to pass and increase the minimum wage, we now have a situation where the Republicans are willing to discuss minimum wage and a proposal is being made.

Some Republicans, I think about 20, have introduced a bill which says they want to raise the minimum wage by not 90 cents over 2 years but a dollar over 2 years. That is a small group of the Republican majority, about 20 people. The leadership of the Republican majority has introduced a proposal. They do not want to increase the minimum wage. You will do that over their dead bodies, they say. But they have a proposal called the Minimum Wage for Families Act. I have a copy of the outline in my hand. And this proposal, which is going to sidestep making industry pay more than $4.25 per hour, will have the Federal Government step in to subsidize the wages.

Let the industries keep hiring people at $4.25 an hour, the Federal Government will then step in and give people additional money who are working. You talk about a farm subsidy; now we are going to have a subsidy for industry, corporations and businesses. You will get a subsidy, and every person who has one child will not get $4.25 hour, the Federal Government will give them an additional $3.75, so that they will get $7 an hour. And if they have two or more children, the Federal Government will give them enough money to make their pay come out to $8 an hour.

Now, can you see millions of workers across America having the Federal Government involved in their pay? This is an intrusion by Government that we have never had before. It will be on a scale greater than telling the farmers what to plant and telling the farmers how to grow their crops because they are getting money from the Government. We are going to have millions of workers involved in a program where the Government is going to help industry bring people's wages up.

How is it going to do this? The Government is going to take the money from the earned income tax credit. They want to raid the earned income tax credit and use it for working people in these industries and have the Internal Revenue Service, on a regular basis, every 2 weeks, the Internal Revenue Service will now have the job of paying the difference between the $4.25 per hour and the amount due to each person in accordance with what has been decided by the Government.

Can you imagine what kind of bureaucracy we are talking about there, in a Congress that prides itself on downsizing the Federal Government? The Federal Government will be intruding like it never has before in the lives of working people. Why do not we just give the $4.25 to each worker out there who is working? Why do not we just give it to the little people? Why are we going to put the people on the bottom? Because if you are making $4.25 an hour, economically you are on the very bottom. Why are we going to put them through that when we do not put farmers who receive subsidies?

In Kansas they say the subsidy averages about $40,000 a year per family. That is the average. Many get much more than that. Forty thousand dollars a year per family. They do not get through a process of scrutiny by the Federal Government to determine whether you have one child or two children or whatever.

Let me summarize. What I am saying is that we have allowed a situation to arise, generated by the majority in this Congress, where there are two sets of Americans, the 80 percent who are ordinary people struggling to make a living, the 80 percent are a part of what my colleague, Mr. LIPINSKI, was talking about, from Chicago, he was talking before I got here, 80 percent who are struggling to make ends meet are

being given a hard time in every way by their government.

I think this 80 percent constitutes a caring majority and all together they have enough common sense to see what is happening. I think the caring majority all together will rise to take matters into their own hands at the polling places. I think the caring majority have had enough. I think the people with disabilities are not beggars. They are not people that we have to treat with charity. They have votes.

There are almost 40 million people in this country with disabilities, so when we treat them in a cavalier way in legislation, we are going to reap what we sow. I am confident that the average American on the bottom out there, we the people, will rise and at the ballot box demonstrate that this is a country still for the people and not for the rich and powerful. We are going to have justice and those who ignore this will have to suffer the consequences.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MENENDEZ (at the request of Mr. GEPHARDT), for April 23rd and 24th, on account of official travel.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. PALLONE, for 5 minutes, today.
Mr. DINGELL, for 5 minutes, today.
Mr. BONIOR, for 5 minutes, today.
Mr. REED, for 5 minutes, today.
Mr. KENNEDY of Massachusetts for 5 minutes today.
Mr. MASCARA, for 5 minutes, today.
Mrs. LOWEY, for 5 minutes, today.
Mr. DURBIN, for 5 minutes, today.
Mr. MANTON, for 5 minutes, today.
Mr. KENNEDY of Rhode Island for 5 minutes today.
Mr. TORRES, for 5 minutes, today.
Mr. MEEHAN, for 5 minutes, today.
Mr. LEVIN, for 5 minutes, today.
Ms. JACKSON-LEE of Texas for 5 minutes today.
Ms. FURSE, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mrs. MALONEY, for 5 minutes, today.
Mr. TORRICELLI, for 5 minutes, today.
Ms. ESHOO, for 5 minutes, today.

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

Mr. FRANKS of Connecticut, for 5 minutes, today.
Mr. HUNTER, for 5 minutes, today.
Mr. MCINTOSH, for 5 minutes, today.
Mr. TORKILDSEN, for 5 minutes, today.
Mr. GOSS, for 5 minutes, today.
Mr. SOUDER, for 5 minutes, today.
Mr. SHADEGG, for 5 minutes, today.
Mr. SMITH of New Jersey, for 5 minutes, today.
Mr. HOKE, for 5 minutes, today.
Mr. HANSEN, for 5 minutes, today.
Mr. FOX of Pennsylvania, for 5 minutes, today.

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

Mr. DORNAN, for 5 minutes, today.

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

Mr. WISE, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. ROTH.
Mr. CRAPO.
Mr. BOEHNER.
Mr. CALLAHAN.
Mr. DUNCAN.
Mr. GEKAS.
Mr. SMITH of Michigan.
Mr. NETHERCUTT.
Mr. DREIER.
Mr. EMERSON.

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

Mr. BONIOR.
Ms. JACKSON LEE of Texas.
Mr. KANJORSKI.
Mr. KILDEE.
Mr. STARK.
Mr. GORDON in 10 instances.
Mr. MARKEY.
Mr. BARRETT of Wisconsin.
Mr. CARDIN.
Mr. GEJDENSON.
Mr. WILLIAMS.
Mr. KLECZKA.
Mr. SERRANO in two instances.
Mr. FILNER in two instances.
Mr. LANTOS.
Mr. BORSKI.
Mr. WAXMAN.
Mr. JACOBS.

The following Members (at the request of Mr. OWENS) and to include extraneous material:

Mr. WHITFIELD.
Mr. PACKARD in two instances.
Mr. YOUNG of Alaska.
Mr. SAWYER.
Mr. COSTELLO.
Mr. RICHARDSON in two instances.
Mr. COX of California.
Mr. MARTINI in two instances.
Mr. CLEMENT.
Mr. VENTO.
Mr. KENNEDY of Massachusetts.
Mr. RADANOVICH in two instances.
Mr. SMITH of New Jersey.
Mr. HUTCHINSON.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 175. Joint resolution making further continuing appropriations for the fiscal year 1966, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 735. An act to deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Thursday, April 25, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS ETC.

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

2465. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Grading and Inspection, General Specification for Approved Plants and Standards for Grades of Dairy Products; United States Standards for Nonfat Dry Milk (DA–93–03 FR), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2466. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Olives Grown in California and Imported Olives; Establishment of Limited Use Olive Grade and Size Requirements During the 1995–96 Crop Year (FV–95–932–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2467. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Hazelnuts Grown in Oregon and Washington; Order Further Amending Marketing Order (FV–94–982–1 FR), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2468. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Central Arizona Marketing Area; Suspension (DA–96–03 FR), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2469. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Limes and Avocados Grown in Florida; Suspension of Certain Volume Regulations and Reporting Requirements (FV–95–911–2 IFR), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2470. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Winter Pears Grown in Oregon, Washington, and California Order Amending the Order (FV–92–065), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2471. A letter from the Acting Under Secretary for Food Safety, Food Safety and Inspection Service, transmitting the Service's

final rule—Use of Sodium Citrate Buffered with Citric Acid in Certain Cured and Uncured Processed Meat and Poultry Products (RIN: 0583–AB97), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2472. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—U.S. Standards for Barley (RIN: 0580–AA14), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2473. A letter from the Comptroller General of the United States, transmitting his review of the President's second, third, and fourth special impoundment message for fiscal year 1996, pursuant to 2 U.S.C. 685 (H. Doc. No. 104–205); to the Committee on Appropriations and ordered to be printed.

2474. A letter from the Director, Administration and Management, Department of Defense, transmitting a letter relative to a cost comprison study of cleaning services performed at the Pentagon; to the Committee on National Security.

2475. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting the Department's final rule—International Banking Activities (RIN: 1557–AB26), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2476. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Uniform Rules of Practice and Procedure (RIN: 1550–AA79), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2477. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office's 1996 compensation plan, pursuant to Public Law 101–73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

2478. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the cooperative program for extended air defense (Transmittal No. 08–96), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2479. A letter from the Senior Deputy Assistant Administrator, Agency for International Development, transmitting the Agency's report entitled ''Report on Economic Conditions in Egypt 1994–95,'' pursuant to 22 U.S.C. 2346 note; to the Committee on International Relations.

2480. A letter from the Acting Administrator, Agency for International Development, transmitting a quarterly update report on development assistance program allocations as of April 19, 1996, pursuant to 22 U.S.C. 2413(a); to the Committee on International Relations.

2481. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–248, ''Judgement Lien on Property Amendment Act of 1996,'' pursuant to D.C. Code, Section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2482. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–249, ''Closing of a Public Alley in Square 484, S.O. 90–272, Covenant Filing Extension Temporary Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and oversight.

2483. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–253, ''Washington Metropolitan Area Transit Regulation Compact Amendment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2484. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–255, ''Closing of a Portion of T Street, S.W., S.O., 92–56, Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2485. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–256, ''Closing of a Public Alley in Square 672, S.O., 89–105, Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2486. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final comprehensive management plan, environmental impact statement and record of decision for the City of Rocks National Reserve, pursuant to Public Law 100–696, section 202(b) (102 Stat. 4574); to the Committee on Resources.

2487. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 104–201); to the Committee on the Judiciary and ordered to be printed.

2488. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 104–202); to the Committee on the Judiciary and ordered to be printed.

2489. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 104–203); to the Committee on the Judiciary and ordered to be printed.

2490. A letter from the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075 (H. Doc. No. 104–204); to the Committee on the Judiciary and ordered to be printed.

2491. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zones: Elizabeth River and York River, VA (RIN: 2115–AA97), pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

2492. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Little Potato Slough (RIN: 2115–AE47), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2493. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; San Leondro Bay, CA (RIN: 2115–AE47), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2494. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vessel Rebuilt Determinations (RIN: 2115–AE85), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2495. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: City of Lake Worth, FL (RIN: 2115–AE46), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2496. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; River Race Augusta, GA (RIN: 2115–AE46), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2497. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F25 Mark 0100 Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2498. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 and Model F28 Mark 0100 Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2499. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Constructiones Aeronauticas, S.A. (CASA), Model C–212–CB, –CC, –CD, –CE, and –CF Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2500. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Standard Model 14RF–9 Propellers (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2501. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2502. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Accessory Division, The Cessna Aircraft Co. Model C35, C72, C75, C80, C86, C87, C92, and C93 Series Propellers (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2503. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2504. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320–111 Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2505. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–8, and MD–90–30 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2506. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Flight Trails Helicopters, Inc., Hardpoint Assemblies Installed on McDonnell Douglas Helicopter Systems Model 369D, 369E, 369F, 369FF, and 500N Helicopters (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2507. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc., Model 214ST Helicopters (RIN: 2120–AA64),

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2508. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, 747–200, and 747–300 Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2509. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (RIN: 2120–AA65), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2510. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2511. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland Gmbh (ECD) Model BO–105, BO–105A, BO–105C, BO–105S, and BO–105LS A–1 Helicopters (RIN: 2120–AA64) pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2512. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Report Requirements (RIN: 2125–AB15), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2513. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (RIN: 2120–AA65), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2514. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2515. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400, 757, and 767 Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2516. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—General Material Requirements; Warranty Clauses (RIN: 2125–AD61), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2517. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Design Standards for Highways; Geometric Design of Highways and Streets (RIN: 2125–AD38), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2518. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (RIN: 2120–AS65), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2519. A letter from the Secretary of Health and Human Services, transmitting the Department's report on Federal agency drug-free workplace plans, pursuant to Public Law 100–71, section 503 (a)(1)(A) (101 Stat. 468); jointly, to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCINNIS: Committee on Rules. House Resolution 412. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 104–535). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 2967. A bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes; with an amendment (Rept. 104–536). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEFLEY:

H.R. 3305. A bill to recognize the heritage of certain areas of the United States, and for other purposes; to the Committee on Resources.

By Mr. GEKAS:

H.R. 3306. A bill to amend the Internal Revenue Code of 1986 to provide that the compensation of certain election officials and election workers which is exempt from Social Security taxes shall also be exempt from income taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. GEKAS (for himself, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. COBLE, Mr. SMITH of Texas, Mr. INGLIS of South Carolina, Mr. HOKE, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BARR, Mr. TALENT, Mr. TAUZIN, and Mr. ZELIFF):

H.R. 3307. A bill to amend title 5, United States Code, to provide for a limitation on sanctions imposed by agencies and for other purposes; to the Committee on the Judiciary.

By Mr. LONGLEY (for himself, Mr. ARMEY, Mr. DELAY, Mr. COX, Mr. SPENCE, Mr. GILMAN, Mr. BUYER, Mr. CHAMBLISS, Mr. CUNNINGHAM, Mr. DORNAN, Mr. EVERETT, Mr. HANSEN, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOKE, Mr. HOSTETTLER, Mr. HUNTER, Mr. JONES, Mr. KIM, Mr. MCKEON, Mr. METCALF, Mr. RADANOVICH, Mr. SAXTON, Mr. TALENT, Mr. THORNBERRY, Mr. TIAHRT, Mr. TORKILDSEN, Mr. WATTS of Oklahoma, and Mr. WELDON of Pennsylvania):

H.R. 3308. A bill to amend title 10, United States Code, to limit the placement of U.S. forces under U.N. operational or tactical control, and for other purposes; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BATEMAN:

H.R. 3309. A bill to authorize the establishment of a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DICKEY:

H.R. 3310. A bill to amend title 5, United States Code, to deny Federal retirement annuities to Members of Congress convicted of any felony, and for other purposes; to the Committee on House Oversight.

By Mr. EVANS:

H.R. 3311. A bill to amend title 5, United States Code, to provide that civilian employees of the National Guard may not be required to wear military uniforms while performing civilian service; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN:

H.R. 3312. A bill to expand the authority of the Department of Defense to donate unusable food; to the Committee on National Security.

By Mr. MORAN (for himself, Mr. PAYNE of New Jersey, Mr. SCOTT, Mr. BOUCHER, Mr. PICKETT, Mr. WILLIAMS, Mr. MARTINEZ, Ms. PELOSI, Mr. BROWDER, and Ms. WOOLSEY):

H.R. 3313. A bill to amend the Goals 2000: Educate America Act to allow local educational agencies to participate in certain programs if the State in which the agency is located does not participate; to the Committee on Economic and Educational Opportunities.

By Mr. REGULA:

H.R. 3314. A bill to assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 3315. A bill to amend the Internal Revenue Code of 1986 to provide that the rate of tax on liquefied natural gas shall be equivalent to the rate of tax on compressed natural gas; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 3316. A bill to amend the Internal Revenue Code of 1986 to revise the treatment of deferred compensation plans of State and local governments, and for other purposes; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 3317. A bill to establish the Yellowstone River Valley Heritage Area in the States of Montana, North Dakota, and Wyoming; to the Committee on Resources.

H.R. 3318. A bill to establish the Southwest Montana Heritage and Recreation Area in the State of Montana; to the Committee on Resources.

By Mr. ZIMMER:

H.R. 3319. A bill to require that the United States promptly sue for recovery of costs and damages for the cleanup of the Stepan Property Superfund Site in Bergen County, NJ; to the Committee on the Judiciary.

By Mr. SAM JOHNSON (for himself, Mr. HASTERT, Mr. FIELDS of Texas, Mr. TAUZIN, Mr. CHRYSLER, Ms. DUNN of Washington, Mr. CRANE, Mr. CHRISTENSEN, Mr. HANCOCK, Mr. CUNNINGHAM, Mr. BUNNING of Kentucky, Mr. BARTLETT of Maryland, Mr. SKEEN, Mr. HANSEN, Mrs.

CHENOWETH, Mr. LAUGHLIN, Mr. ROHRABACHER, Mr. HAYWORTH, Mr. HUNTER, Mr. YOUNG of Alaska, Mrs. SEASTRAND, Mr. ENSIGN, Mr. FRISA, Mr. BONILLA, Mr. STOCKMAN, Mr. GRAHAM, Mr. BURR, Mr. GOSS, Mr. TRAFICANT, Mr. COLLINS of Georgia, Mr. THOMAS, Mr. LARGENT, Mr. DORNAN, Mr. BONO, Mr. DREIER, Mrs. CUBIN, Mr. HALL of Texas, Mr. DICKEY, Mr. DOOLITTLE, Mr. KNOLLENBERG, Mr. HOSTETTLER, and Mr. NORWOOD):

H.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States to abolish the Federal income tax; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. WOLF, Mr. CARDIN, Mr. MARKEY, Mr. SALMON, Mr. TORRICELLI, Mr. LEVIN, Mr. BONIOR, Mr. DURBIN, and Mr. GUTIERREZ):

H. Con. Res. 167. Concurrent resolution recognizing the 10th anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant; to the Committee on International Relations.

By Mr. SMITH of Michigan (for himself, Mr. HALL of Ohio, Mr. EMERSON, Mr. HAMILTON, Mr. HYDE, and Mr. MOAKLEY):

H. Res. 413. Resolution recognizing the importance of a nationally designated ''Character Counts Week'' and of the character development of young people to the present and future of the United States, and encouraging community, school, and youth organizations to integrate the ''six core elements of character'' articulated in the Aspen Declaration into programs for students and children; to the Committee on Economic and Educational Opportunities.

ADDITIONAL SPONSORS

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

H.R. 240: Mr. LOBIONDO.
H.R. 791: Mr. SALMON.
H.R. 878: Mr. LIPINSKI, Mr. FOGLIETTA, Mrs. ROUKEMA, Mr. HALL of Ohio, and Mr. TORKILDSEN.
H.R. 940: Ms. SLAUGHTER.
H.R. 1023: Mr. DURBIN.
H.R. 1202: Mrs. ROUKEMA.
H.R. 1210: Mr. LIPINSKI.
H.R. 1279: Mr. GRAHAM and Mrs. GREENE of Utah.
H.R. 1386: Mr. DEUTSCH.
H.R. 1846: Mr. BROWN of California.
H.R. 1998: Mr. ROTH and Mr. KINGSTON.
H.R. 2009: Mr. NEAL of Massachusetts.
H.R. 2019: Mr. JACKSON.
H.R. 2092: Mr. GALLEGLY.
H.R. 2137: Ms. JACKSON-LEE.
H.R. 2508: Mr. ABERCROMBIE.
H.R. 2688: Mr. FAZIO of California, Mr. MANTON, and Mr. EVANS.
H.R. 2697: Mr. KLECZKA and Mr. EVANS.
H.R. 2715: Mr. WELLER.
H.R. 2764: Ms. RIVERS and Mr. THORNBERRY.
H.R. 2827: Mr. CAMPBELL.
H.R. 2925: Mr. HEINEMAN, Mr. ENGLISH of Pennsylvania, Mr. GILMAN, Mr. JONES, AND MR. BURR.
H.R. 2939: Mr. EVANS, Mr. JACOBS, Mr. LEACH, Mr. WARD, Mr. THOMPSON, Mr. PETRI, and Mr. EHLERS.
H.R. 2951: Ms. ESHOO, Mr. DELLUMS, Mr. BROWN of California, Mr. LUTHER, and Mr. DEFAZIO.
H.R. 2976: Ms. DELAURO, Mr. DINGELL, Mr. EVANS, Mrs. KELLY, and Mr. YATES.
H.R. 3004: Mr. DURBIN and Mr. PALLONE.
H.R. 3052: Mrs. CLAYTON, Mr. OWENS, Mr. BECERRA, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YATES, Mr. LEWIS of Georiga, Ms. DANNER, Mrs. THURMAN, Mr. LIPINSKI, and Mr. FIELDS of Louisiana.
H.R. 3114: Ms. LOFGREN, Mr. GANSKE, Mr. GUNDERSON, Mr. ZIMMER, Mr. MOAKLEY, and Mr. NORWOOD.
H.R. 3142: Mr. WELDON of Florida, Mr. LUCAS, Mr. TAYLOR of Mississippi, Mr. RAMSTAD, and Mr. LEWIS of Kentucky.
H.R. 3161: Mr. MORAN.
H.R. 3173: Mr. VENTO and Mr. FOX.
H.R. 3234: Mr. BUNNING of Kentucky, Mr. EWING, Mr. GUTKNECHT, Mr. BAKER of California, Mr. ISTOOK, Mr. BARR, Mr. HANCOCK, Mr. BOEHNER, Mr. MICA, Mr. BASS, Mr. JONES, Mr. SCARBOROUGH, Mr. LAHOOD, and Ms. DUNN of Washington.
H.R. 3246: Mr. GEJDENSON.
H.R. 3257: Mr. FRANKS of New Jersey.
H.R. 3260: Mr. BREWSTER, Mr. CRAMER, Mr. LIVINGSTON, Mr. BAKER of Louisiana, and Mr. LUCAS.
H.R. 3265: Mr. GREEN of Texas and Mr. BACHUS.
H.R. 3303: Mr. GILCHREST, Mr. FARR, Mr. ABERCROMBIE, Mr. GEJDENSON, Mr. ORTIZ, Mr. MEEHAN, Mr. MCHUGH, and Mr. WELDON of Florida.
H.J. Res. 16: Ms. GREENE of Utah.
H. Con. Res. 51: Mr. MOORHEAD.
H. Con. Res. 105: Mr. LUTHER.
H. Con. Res. 120: Ms. DELAURO.
H. Con. Res. 152: Mr. TEJEDA.
H. Res. 346: Mr. LIVINGSTON.
H. Res. 385: Mr. MURTHA, Mrs. MEYERS of Kansas, Ms. BROWN of Florida, Ms. NORTON, and Mr. VISCLOSKY.
H. Res. 399: Mr. HOUGHTON, Mr. DELLUMS, Mr. FATTAH, Mr. JACKSON, Ms. WATERS, Mr. YATES, Mr. PORTER, Ms. LOFGREN, and Ms. SLAUGHTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 1202: Mr. COBLE.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, WEDNESDAY, APRIL 24, 1996 No. 54

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by the guest Chaplain, Maj. Tom Sillanpa of the Salvation Army.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Maj. Tom Sillanpa, Salvation Army, Westfield, IN, offered the following prayer:

O righteous Father and merciful God of hope, we would pause and ponder Thy Word from the psalmist: ''Mercy and truth are met together; righteousness and peace have kissed each other.''—Psalm 85:10. O Lord, Your covenant love and justice, our faithfulness and heart's repose, happily bless and unite Your people. It is the answer of hope, a message of peace and salvation, certain when God and men meet upon this terrestrial plain. We see an upright beam upholding Thy law. Ah! yet another, a horizontal beam picturing Thy loving-kindness—outstretched arms of mercy which would embrace the whole world. O Father, grant Thy well-being to our dear Senators serving Thee in righteousness. It exalts our Nation and brings glory to Thy name. Continue to mold a godly character in us all as we face the future unafraid and show unexpected strength and vision. For evil shall perish and righteousness shall reign in God's own good time as surely as the morning cometh. We pray in Jesus' holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Good morning, Mr. President. Thank you very much.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business until the hour of 10 a.m. with Senators permitted to speak for up to 5 minutes each with Senator HATCH permitted to speak for up to 15 minutes.

At 10 a.m. the Senate will resume consideration of Calendar No. 361, which is S. 1664, the immigration bill. Amendments are pending now to the immigration bill. Therefore, rollcall votes can be anticipated on that measure during today's session.

We may receive a short-term continuing resolution also from the House today. It is expected that the Senate would consider that appropriations matter when it is received.

The Senate may also consider any other legislation that can be cleared for action.

Mr. President, I yield the floor.

Mr. ROTH addressed the Chair.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak for up to 5 minutes each.

The Senator from Delaware is recognized.

RUSSIAN AGRICULTURAL IMPORT QUOTAS

Mr. ROTH. Mr. President, there are few things more disappointing and disturbing than broken promises. Despite repeated assurances from Russian officials that they sincerely desire to fully abide by the principals of free and fair trade, they are once again considering barriers against the import of agricultural products.

I have to add that there are few things more worrisome than to have our President visit Russia and tell us everything is OK when it is not. And this appears to be the case when it comes to United States-Russian trade relations.

Yesterday, Russian Deputy Prime Minister Alexander Zaveryukha announced his Government's plans to introduce food import quotas that will focus primarily on poultry purchases, the vast majority of which come from the United States. The Deputy Prime Minister himself even emphasized that it is American poultry products against which these import quotas are directed.

This is particularly outrageous in light of Russian Prime Minister's Chernomyrdin's assurances to Vice President GORE that Moscow was going to back away from unfair trade practices that the Prime Minister announced last February against agricultural imports into Russia.

Russia's new effort to restrict the import of American poultry products should not surprise us. For the last 6 months Moscow has persistently been trying to ban the import of American poultry products. First, they tried to impose a bogus health ban. When it became clear that could not fly, they have been trying to increase tariffs against our poultry products. Now, they are talking about import quotas.

A decision by Moscow to impose import quotas, higher tariffs, or any other sanctions against American agricultural products would be most unfortunate. This is particularly true in the case of poultry. The amazing growth of in our chicken sales in Russia over the past 5 years demonstrates that Russian consumers recognize the quality and reasonable price of United States poultry. Needless to say, import quotas will only end up hurting United States poultry producers, Russian consumers, and the United States-Russian trade relationship.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper containing 100% post consumer waste

I want to emphasize that this issue has repercussions that go well beyond poultry. Indeed, agricultural import quotas are very much part of a broad turn toward protectionism in Russian economy policy.

This trend toward protectionism is particularly disturbing when seen in the light of overall United States-Russian Trade and United States foreign assistance programs to Russia. Today, the United States is running a trade deficit with Russia that amounts to over $2 billion annually. Import quotas against poultry and other agricultural imports will only further restrict access to the Russian market by our most competitive exports and will further widen our trade deficit with Russia.

This is particularly outrageous when one considers that since 1992 the United States has provided some $2.44 billion in foreign assistance to Russia. Much of this assistance is designed to help Russia develop a fully functioning free market economy. The American people would be well justified in questioning such assistance to countries that close their markets to U.S. exports.

Should Russia actually decide to impose trade quotas against American exports, it is essential that United States Government respond with forceful and immediate measures.

How we respond to protectionist policies by Moscow will be closely watched by other beneficiaries of American foreign assistance, particularly those among the former Republics of the Soviet Union. Thus, Russia's increasing protectionism and our response to it must be viewed through the lens not only of trade, but also the broader dimensions of United States relations with Russia, Central and Eastern Europe, and the world.

Mr. President, I am convinced that we must send a strong message to Russia that we will not tolerate such blatant protectionism. Any less of a response will only send the wrong signal to Moscow and other nations that protectionism is a legitimate policy tool that they can use with impunity.

The Russian Government must understand that free trade is a two-way street. If they want to benefit from our foreign assistance, sell their products and services to us, expand their economy, and become a full participant in the global market place, then they are going to have to let us sell our products and services to them. If they insist on erecting protectionist trade barriers, such as the import quotas, then they must fully understand that there will be a heavy price to pay.

Mr. President, I yield the floor.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as if in morning business.

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

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1697 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

COMMEMORATING THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, today marks the 81st anniversary of the Armenian genocide. Between 1915 and 1923, the Ottoman Empire in Turkey subjected the Armenian people to a brutal campaign of genocide that resulted in the deaths of 1½ million people. Those who were not immediately killed died during the forced deportation of the Armenian population. One-third of the Armenian people died during these 8 tragic years.

The crimes committed against the Armenians are among the worst atrocities in human history. Tragically, this cruel and massive slaughter was only the first of a succession of state-sponsored genocides carried out in this century. The recent mass graves uncovered in Bosnia remind us that the world has still not learned the lessons of the history of the Armenian, Jewish, and Cambodian people.

I commend the Armenian Assembly of America and the Armenian National Committee of America for their impressive continuing efforts to educate Americans about Armenian history and culture. The tireless work of these two effective organizations gives renewed hope and assurance that the extraordinary sacrifices of the Armenian people will never be forgotten, and that the remarkable continuing contributions of Armenians to this country and many other lands will always be remembered and honored.

HEALTH INSURANCE REFORM ACT

Mr. HATCH. Mr. President, yesterday the Senate reported by a unanimous vote of 100 yeas to 0 the Health Insurance Reform Act, S. 1028.

This legislation is designed to help millions of Americans gain access to health insurance coverage as well as keep their coverage when changing or losing their jobs.

Over the past several days, I have received numerous telephone calls and inquiries from across the country regarding the antifraud and abuse provisions which were added to the bill last week. I understand that many of my colleagues in the Senate and House have received similar phone calls. These individuals have expressed concern over the bill's implications for alternative medicine as well as for services provided by nonmedical health care providers.

As my colleagues know, the Senate approved on Thursday, April 18, 1996, an amendment by Senators DOLE and ROTH that contained a substantive new health care antifraud and abuse program. These provisions, now contained under title V of S. 1028, were essentially developed by my colleague, the distinguished Senator from Maine, Senator COHEN.

The antifraud and abuse provisions are designed to provide for a more coordinated Federal and State approach in addressing health care fraud and abuse, which is currently costing the Federal Government and private payers billions of dollars a year.

This is an issue which has been the subject of numerous congressional hearings in both the Senate Judiciary Committee and in the Special Committee on Aging over the past several years.

It is evident there is a need for a more enhanced program to appropriately address the growing and deliberate menace by perpetrators who deliberately scheme to defraud public and private payers of scarce health care dollars.

The health care antifraud and abuse provisions are not new to the Senate or the House. In large part, they were formulated from the legislation developed by Senator COHEN, S. 1088, and were, in fact, similar to the provisions included in the Balanced Budget Act as passed by the Congress late last year.

Mr. President, I am concerned, however, that the antifraud provisions could have unintended consequences and adversely impact the care provided by health care professionals who utilize alternative therapies, such as herbal treatments, or other nonmedical health care providers.

It is certainly not my desire, and based on my discussions, nor the intent of my colleague Senator COHEN who drafted the original antifraud language, that these provisions in any way impede consumers from access to alternative or nonmedical treatment therapies.

And, I would add that Senator COHEN and I specifically addressed these concerns in our colloquy on the floor of the Senate last Thursday, April 18, 1996, although I know that many people still have concerns.

I want to assure my colleagues in both the Senate and House—and especially those individuals in the alternative and nonmedicine community—that I will continue my efforts to clarify, where necessary, and fine-tune the language as the bill moves to the conference committee.

FOREIGN OIL CONSUMED BY THE UNITED STATES. HERE'S THE WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports

that for the week ending April 19, the United States imported 7,300,000 barrels of oil each day—712,000 barrels fewer than the 8,012,000 barrels imported during the same period a year ago.

This is one of those rare weeks when less oil was imported in 1996 than in 1995. Nevertheless, as the box scores I regularly insert into the RECORD indicate, the trend is steadily upward.

Americans now rely on foreign oil for more than 50 percent of their needs, and there is no sign that this upward trend will abate. Before the Persian Gulf war, the United States obtained 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the calamity that will result if and when foreign producers shut off our supply, or double the already enormous cost of imported oil flowing into the United States.

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LIEBERMAN. Mr. President, today we commemorate the 81st anniversary of the Armenian genocide, a horrendous crime against humanity which cannot be denied.

Beginning on April 24, 1915—81 years ago today—the declining Ottoman Empire undertook a systematic effort to kill or drive out the Armenian people. By 1923, more than 1 million Armenians perished as a result of execution, starvation, disease, the harsh environment, and physical abuse. Others were driven from their homeland.

The terrible tragedy that befell the Armenian people was the first systematic genocide in this century. Unfortunately, it was not the last. The Nazi Holocaust, Stalin's purges, and the killings of Cambodians by the Khmer Rouge are all further examples of brutality and death carried out in the name of the state. In Bosnia, American leadership and united international diplomacy and intervention has finally brought an end to the genocidal ethnic cleansing, though ethnic divisions there will be long in healing.

We mark this date in history because it is so important that we remember. We must remember the Armenian genocide and other abuses of state authority against ethnic minorities. We must remember all of the victims of crimes against humanity. Our memory, our vigilance, is essential to ensuring that these acts do not happen again, to Armenians or any other group.

The Armenian people and their culture have survived. The Armenian-American community is thriving in a land where cultural and ethnic diversity are increasingly valued. And the collapse of the Soviet Union gave rise to an independent, democratic Armenian state.

So let us remember the Armenian genocide, let us be vigilant to prevent such crimes in the future, and let us celebrate the Armenian people, who have overcome this tragedy to thrive in independent Armenia and in America.

GOLDEN GAVEL AWARD RECIPIENTS

Mr. DOLE. Mr. President, I am pleased today to announce the Senate's Golden Gavel Awards for the 104th Congress.

Each Congress, one important tradition we have is to honor colleagues who preside over the Senate for more than 100 hours. As all Senators know, presiding is frequently a difficult, thankless, and tiring task.

I would like to take this opportunity to thank all of the Golden Gavel recipients today for their tireless efforts. I know that all Senators join me in congratulating our colleagues.

The recipients are as follows: Senator MIKE DEWINE, Senator ROD GRAMS, Senator BILL FRIST, Senator JOHN ASHCROFT, Senator RICK SANTORUM, Senator FRED THOMPSON, Senator SPENCE ABRAHAM, Senator CRAIG THOMAS, Senator JON KYL, and Senator JIM INHOFE.

CHILD LABOR—NOT WITH THE RUGMARK LABEL

Mr. KENNEDY. Mr. President, a year ago this month, a young child labor activist, Iqbal Masih, was killed in his village in Pakistan. In 1994, when Iqbal traveled to the United States to receive the Reebok Human Rights Award, he also met with the students at Broad Meadows Middle School in Quincy, MA. After Iqbal's death, the students at Broad Meadows decided to honor his memory by building a school in Iqbal's village.

Earlier this month, the students announced that they have raised $100,000 for a school which will be built by Sudhaar, a nongovernmental organization in Pakistan. Their dedication and commitment to Iqbal's dream assure that he will live on in the hearts and minds of all those who will have a better chance in life because of the school they are building. Armed with the advantages of education, these children in Pakistan will be able to improve their own lives and the lives of their families, their communities, their country, and even our common planet.

Last November, one of the recipients of the Robert F. Kennedy Human Rights Award was Kailash Satyarthi, head of the South Asian Coalition on Child Servitude, an independent nongovernmental organization dedicated to the eradication of child labor and bonded labor in the carpet industry.

Mr. Satyarthi and his colleagues have established what is known as the Rugmark label, to identify carpets which have not been made with child labor. They are urging consumers to purchase only carpets which carry the label.

Mr. President, on the anniversary of Iqbal's death, Albert Shanker, president of the American Federation of Teachers, has urged all Americans to honor the Rugmark label. I ask unanimous consent that Mr. Shanker's appeal be printed in the RECORD.

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

[From the New York Times, Apr. 14, 1996]

KNOTTED RUGS

(By Alert Shanker)

The murder of Iqbal Masih, a year ago this week, forced many Americans to look at a problem they would have preferred to avoid: child labor in developing countries. Iqbal was a world-famous human rights activist. He was also a young Pakistani boy whose mother had sold him to a rug maker when he was four. Iqbal eventually freed himself, and by the time he was murdered, at the age of twelve, he had helped free 3,000 other bonded child laborers. That is probably why he was murdered. But many millions of children in Pakistan, India, and other developing nations continue to work as gem stone polishers, glass blowers, and makers of matches, fireworks, clothing and hand-knotted rugs, often conditions that are unspeakable.

Children who knot rugs are crowded into filthy, poorly lit shops that have minimal ventilation for as many as 16 hours a day, 7 days a week. They are often chained to their looms, and they risk being beaten or even killed if they try to escape. Many die anyway because of horrible conditions under which they work. Manufacturers consider young children to be desirable ''employees'' because they work hard and put up with pay and conditions that adults would not tolerate. The children receive no more than a couple of cents a day for their work; many get nothing.

A number of developing nations—India and Nepal, for example—have laws on the books banning child labor. Nevertheless, you hear some people using hard-nosed economic arguments to justify exploitation of children. They say that if child labor is what it takes to bolster the economy in a developing country, that's the price the country has to pay. And it's really nobody else's business anyway. But many of these countries also have very high unemployment among adults. Why shouldn't companies hire adults so that parents can support their children instead of having to sell them into bondage?

However, we don't have to wait for the companies making hand-knotted rugs to get religion (or for countries that are dragging their feet to start enforcing their child labor laws). These rugs are an important export item, and people who buy them can have a big say about the conditions under which they are made. The traditional weapon used by people who want to protest economic injustice is the boycott: Don't buy the product. But a boycott only punishes, and it often punishes those who act responsibly as well as those who don't.

An Indian child advocate named Kailash Satvarthi had a better idea. He established a nonprofit foundation that allows consumers to identify and buy hand-knotted rugs that are not made with child labor. Rugmark, as the foundation is called, inspects companies that apply for certification and vouches for the fact that they are not using child labor to make their hand-knotted rugs. Inspectors also pay surprise visits to Rugmark-certified companies to make sure they continue to abide by their commitment to use adult

labor only. Consumers can recognize Rugmark rugs by a label that only they will carry.

Rugmark, which is now two years old, has signed up and certified 15 percent of the companies producing hand-knotted rugs in India. A number of others are moving toward certification, but the process is complicated and many carpet makers are understandably hostile to the idea of losing a cheap, excellent, and plentiful supply of labor. So far, the total production of Rugmark rugs has gone to Germany, where the country's largest mail order firm and several large department stores have agreed to carry them. But Rugmark has recently opened up shop in Nepal, with the support of 70 percent of the carpet manufacturers there. These rugs will soon be available for import to the U.S. It's up to American consumers to start talking to stores and catalog companies that carry hand-knotted rugs. They should let the businesses know that they do not want rugs made by children, and they should urge them to put pressure on the importers they deal with.

This coming week, the first Rugmark-certified rugs imported to the U.S. will be auctioned off at a ceremony commemorating the anniversary of Iqbal Masih's death last year. If American consumers do their part, these rugs should be the first of many.

CONFERENCE REPORT TO ACCOMPANY S. 735

Mr. BYRD. Mr. President, 1 year ago last week the American people were forced to experience the unimaginable when terrorists placed a bomb in a Federal building in Oklahoma City, killing 168 innocent citizens, some of them children. In response to that grisly deed, as well as the earlier bombing of the World Trade Center in New York City, and the downing of Pan American flight 103 over Scotland, the United States Senate passed S. 735, the ''Comprehensive Terrorism Prevention Act,'' on June 7, 1995. The measure, I think it is important to note, was supported by 91 Senators, myself included.

I supported that bill because I believed it was a good piece of legislation that went a long way toward helping law enforcement agencies combat the rising scourge of domestic terrorism. It was an effective measure with many important provisions—important crime-fighting tools—specifically designed to thwart this growing menace. Our goal, or so I thought, had been to stop domestic terrorism before it could happen; to let terrorists know that they were going to be put down before they could carry out their cowardly acts.

When S. 735 left the Senate last June, there were provisions in the bill that would have permitted Federal law enforcement agencies to pursue known or suspected terrorist groups with the same means that those agencies now employ when pursuing organized crime, or murderers, or bank swindlers. And, as I said, those provisions were endorsed by 91 Senators.

Unfortunately, though, what started out last June as a very worthwhile effort, has this past week been reported back by the conference committee disemboweled. In fact, this measure has been so thoroughly gutted that I do not see how anyone can honestly call it a terrorism ''prevention'' bill. Almost every provision designed to enhance the effectiveness of law enforcement officials, almost every provision designed to make it more difficult for the terrorist to operate, and almost every provision that was fashioned to put a stop to this type of activity, was simply sacrificed in conference.

Mr. President, consider this: The original Dole-Hatch bill, and the version that passed the Senate, contained language that would have added certain terrorist offenses to the current long list of crimes for which Federal law enforcement authorities can seek a wiretap. Using weapons of mass destruction, providing material support to terrorists, or engaging in violence at international airports—all of these were activities for which a wiretap could have been sought. But the language that would have added those crimes to the wiretap list was dropped by the conference committee. Consequently, what that means is that, right now, the FBI can institute a wiretap on someone suspected of bribing a bank officer, but not on someone who may be about to attack the New York City subway system with poisonous gas.

That is ludicrous. It simply boggles the mind. If this is supposed to be a bill to ''prevent'' terrorism, then how can we tie the hands of law enforcement authorities like that? What kind of message does that send to some deranged individual who may be plotting a terrorist activity? What does that say to those organizations that practice international terrorism and may be planning to target the United States? Chasing terrorists with fewer tools than we would use to apprehend someone suspected of bribing a bank official is not, in my opinion, the way to ''prevent'' terrorism.

When the Senate considered S. 735 last year, it added, by a vote of 77 to 19, a provision that would have allowed law enforcement authorities to obtain what are called multipoint wiretaps. In effect, these special wiretaps allow officials to target an individual suspect rather than an individual telephone. Given the rapid development of communications technology, it is nearly impossible for Federal officials to conduct meaningful investigations of suspected terrorists when all that person has to do is change telephones. Right now, a terrorist can move from his home phone to a car phone to a cellular phone and law enforcement officials—unless they can prove such movement is intentionally meant to thwart the surveillance—will be left in the dust. But the provision to allow multipoint wiretaps was dropped in conference.

Again, such action defies logic. How can we say that we are seriously working to prevent terrorism when we will not even allow officials to keep pace with the terrorists. What message are we sending when we say that the only terrorists worthy of stopping before they act are those stupid enough to use a single telephone? This is not, I am sorry to say, prevention.

Mr. President, last June the Senate also adopted an amendment to S. 735 that would have allowed the Attorney General to request the technical and logistical assistance of the U.S. military in emergency situations involving biological and chemical weapons of mass destruction. Such authority already exists in the case of nuclear weapons. The amendment the Senate adopted merely extended that authority to include biological and chemical weapons.

I believe this was an important amendment because the Armed Forces of this Nation have special capabilities in this area, with individuals who possess the training to counter biological or chemical weapons. The police departments of our country and the fire departments of our country are not equipped to deal with these emergencies. They simply do not have the expertise to handle a biological or chemical weapons attack. So the Senate adopted the provision, by unanimous consent I would note, that allows for the technical expertise of the military to be used should a terrorist attack occur in which biological or chemical weapons are used.

But that provision, too, was dropped by the conference committee. Consequently, we have a bill that purports to prevent terrorism, but hamstrings Federal, State, and local authorities in any case involving biological or chemical weapons.

The citizens of New York City, or of Los Angeles, or of any city in this Nation should not be forced to suffer a nuclear attack from a terrorist organization before they can expect help from the Federal Government. The American people should not be told, as this bill implicitly tells them, that an imminent attack with chemical weapons is not serious enough to warrant the use of the military. The American people should not have to experience, as did the citizens of Tokyo in March 1995, a gas attack in a subway system before their Congress is willing to act.

Last, when S. 735 was passed by the Senate last year, it contained a provision that would have made it a Federal crime for any person to distribute material that teaches someone how to make a bomb if that person intends or knows that the bomb will be used to commit a crime. That provision, offered by Senator FEINSTEIN, was included in the Senate bill by unanimous consent. Not one of our colleagues stood up and objected to it. But, like many of these preventive tools, the Feinstein amendment was dropped by the conference committee.

It is simply absurd to expect this bill to negatively impact terrorists if the Congress is not even willing to prevent the distribution of what amounts to terrorist training manuals. How can

anyone say that this legislation—absent the Feinstein amendment—is a serious effort aimed at prevention? How do we intend to stop a future terrorist from blowing up a Federal building if we will not even take away his instruction manual?

Mr. President, the provisions that I have highlighted here are just some of the provisions that I believe made S. 735, the Comprehensive Terrorism Prevention Act, a good, tough, worthwhile bill. But as I have noted, each of those was dropped from the final product. As such, we have been left with a measure that, in many ways, is simply untrue to its title. No longer, in my opinion, is this bill comprehensive, or directed at prevention. Accordingly, I was compelled to vote against the conference report.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are in morning business?

The PRESIDING OFFICER. The Chair advises the Senator from Iowa we are in morning business with Senators allowed to speak up to 5 minutes each.

THE VOID IN MORAL LEADERSHIP—PART SIX

Mr. GRASSLEY. Mr. President, yesterday I continued my series of talks on this floor on the failure of moral leadership in the White House. I understand that sometime after I spoke—and I am sorry I was not here on the floor to politely listen to what he had to say—my friend from Arkansas, Senator PRYOR, addressed my comments. So I would like to respond to his comments.

First, I want to echo what he said about our long friendship and relationship working together, particularly to protect the taxpayers' interests. And that cooperation includes not just saving billions in defense cost overruns and defective weapons, as he mentioned yesterday, it also included the work that he and I did in passing the taxpayers' bill of rights. That was a bill to protect our taxpayers and to give them more protections against the abusive practices of the IRS.

I have not known a Senator in this body who has been more dedicated to good Government than Senator PRYOR has been. When he retires after this Congress, we will lose not just a respected colleague and friend, but an effective consensus builder. I will miss his leadership and I know my colleagues will as well.

Yesterday my friend from Arkansas defended the President's record on the environment in the wake of criticism that I had raised. What Senator PRYOR said is fair enough. I do not have any problems with that, because the Senator has a right to protect his friend, the former Governor of his home State, when his record has been critiqued, as I have been doing in several speeches on the floor of the Senate.

Apparently my friend from Arkansas misunderstood my comments regarding Earth Day. I did not mean to take exception to the President celebrating Earth Day at our national parks. Earth Day should be celebrated. Environmental protection is and should be a very high priority, and the President should continue to show his commitments to this issue.

But put yourself in my position, or the position of a constituent from my State. I was referring yesterday to the director of the Iowa Department of Natural Resources, who wrote a letter that I placed in the RECORD yesterday.

You can all read it. The director of the Iowa Department of Natural Resources is charged with protecting the environment in my State of Iowa. Yet, as he watched the President tout his environmental record on Earth Day, he is faced with the fact that the President's budget will result in the termination of many important environmental programs. So, for the director of the Iowa Department of Natural Resources, he clearly sees President Clinton's actions falling far short of the rhetoric of the President of the United States.

However, I do find it interesting, Mr. President, that the Senator from Arkansas yesterday, in response to me, failed to address the main points of my remarks. You see, my point was not to critique the President's record on the environment. Rather, it was a troubling pattern that this President has in saying one thing and doing another. My point was also to explain why a pattern like that can be so damaging, because it does two things—first, it continues to nourish the climate of cynicism that has swept the country, and, second, it fails to set a good record for the country, especially for the young people. A country without leaders is a country without direction.

There is no more important attribute for a President, any President, than moral leadership. That is according to a former great President, FDR, former member of the same party as my good friend from Arkansas. I know Senator PRYOR has regard for the judgment and wisdom of Franklin Delano Roosevelt. What did FDR mean when he said moral leadership is the most important attribute of any President? He meant simply it is important for a President to set a good example, the kind of example that we would like to see set for our children by our teachers, by our community leaders, by our little league coaches, and, yes, even our parents.

I have laid out specifically in seven previous speeches where I thought our President has failed to set a proper example. The practice cuts across all issues, not just on the environment. It has happened on the budget, happened on Travelgate, happened on Whitewater, on AmeriCorps, and on combating drugs.

Simply put, the programs do not do what the lofty rhetoric says they do. There is tremendous damage done with this false advertising. It erodes the ability of our Nation's leaders to lead and undercuts their moral authority to lead. That is when cynicism grows.

Mr. President, could I have 3 more minutes, please?

Mr. KENNEDY. Reserving the right to object; I do not intend to object. There was an agreement to lay down the immigration bill at 10 a.m. So, if we can get an agreement to extend the morning hour, if the Senator would ask to extend the morning hour.

Mr. GRASSLEY. By 3 minutes? Five minutes? Ten minutes?

Mr. KENNEDY. Ten minutes.

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

Mr. GRASSLEY. I thought my friend from Arkansas, Senator PRYOR, would have taken issue with my observations that the President has not set a good example for the country and for the young people. I thought he would take issue with some of the people I quoted who made other observations, and I would like to give some examples.

The observation that James Stewart made in his book ''Blood Sport.'' He said the story of Whitewater is about the arrogance of power, about ''what people think they can get away with as an elected official, and then how candid and honest they are when questioned about it.''

Charles Krauthammer, a syndicated columnist, observed why the White House was covering up Travelgate and Whitewater even though there were not any crimes. In January, he noted that ''the vanity of the Clintons is . . . that they are morally superior.'' He said, ''The offense is hypocrisy of a high order. Having posed as moral betters, they had to cover up. At stake is their image.''

The observation of Rouvain Benison, a Democrat, who was quoted in the Washington Post on March 24. He said, ''Whitewater is a symptom, the lack of moral leadership, of moral integrity, strength, courage—all the good things in a person's character.''

The observation of Eric Pooley of Time magazine. He wrote recently that, with this White House, ''speeches are as important as substance and rhetoric becomes its own reality.'' He then quotes a senior White House adviser as saying, ''Words are actions.'' In other words, it is not important what the President does; just listen to what he says.

These are all examples that I have given over the past months in speeches on the floor. I am merely compiling the observations of others, of respected, credible individuals. This is what I thought my friend from Arkansas would have responded to, because the important issue is moral leadership, leading by example, and the many instances—across the board—in which this President has failed to show such leadership.

My friend from Arkansas knows, Mr. President, that I take seriously and

sincerely what Teddy Roosevelt said. I have quoted Teddy Roosevelt a few times on this floor. To paraphrase, he said Americans have a responsibility to critique the President more than any other person in America. To not do so is both base and servile.

My friend also knows that I have spoken out about the leadership of Presidents of my own party. President Reagan busted the budget with his defense spending. I questioned his wisdom and leadership in cracking down on welfare queens while letting welfare queens in the defense industry squeeze through the cracks. I questioned President Bush when he proposed raising taxes in 1990. He promised he would not, but he did; and I criticized him.

Now I am criticizing this President, President Clinton, for failing to set a good example across the board. It is a pattern. It is pervasive. It encourages more cynicism by our people.

If we want to set a good example for the young people of this country and for the next generation, if we want to stop the growing cynicism in this country toward our elected leaders and our institutions, then we must begin by setting higher standards of conduct for ourselves. We must set a good example for our country.

When we do not, Mr. President, when we do not do that, it is precisely because of a failure of moral leadership. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand it, we are in morning business and entitled to address the Senate for 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

THE MINIMUM WAGE

Mr. KENNEDY. I thank the Chair. Mr. President, in just a few moments we are going to return to the immigration bill. We have orders for votes on various amendments. Then, hopefully, we will have the legislation that will be open for amendment. I intend at the earliest possible time to offer an amendment on increasing the minimum wage. I would be more than glad to enter into a time limitation so that our side would have 30 minutes and the other side would have 30 minutes. It seems to me that the 13 million families that will be affected by the minimum wage are entitled to have at least 30 minutes of the U.S. Senate's time in order to make their case before the U.S. Senate, and it seems to me that they are entitled to a decision by the U.S. Senate as to whether we are going to provide some economic justice and decency for those Americans who have been left out and left behind on the lower rung of the economic ladder—who are working hard, trying to provide for their families, and still existing in poverty.

Mr. President, I think the urgency for offering that amendment is just emphasized once again by what the leader in the House of Representatives talked about just yesterday, that he, Mr. ARMEY, as the House majority leader, has indicated his continued opposition to the increase in the minimum wage. What he is basically talking about is a brand new entitlement program, the elimination of the earned income tax credit, which is a lifeline to working families, particularly working families with children. All of us understand that the earned income tax credit, which Ronald Reagan himself said was the best poverty program, provides help and assistance for working families with children. The minimum wage makes a difference for those families. For the individual or couple who does not have children, the increase in the minimum wage makes the greatest difference to them.

But what Mr. ARMEY is talking about is the elimination of the earned income tax credit. He says we will develop a program. Who will run it? The IRS, the Internal Revenue Service. They are going to be the ones who run a new entitlement program.

Now, Mr. President, he says this will save $15 billion. You know where that $15 billion is going to come from? It will come from those who benefit from the earned income tax credit, who are the neediest working families in this country.

The increase in the minimum wage will provide $3.7 billion a year to these families. So, in effect, what he is saying is we will take the earned income tax credit away from those families, we will put in the Internal Revenue Code a subsidy program, and the subsidy program, which will be paid for by Federal taxpayers, generally will be contributed to by other workers.

Mr. President, it is about time we had a clear vote and a clean vote on the increase in the minimum wage. We have a bipartisan group here in the U.S. Senate, Republicans and Democrats alike, who have supported the increase in the minimum wage. We are going to take the first opportunity that presents itself, after the disposition of these votes, to offer that with a time limit so the American people will be able to find out who is on their side.

I would hope that we would be able to work that out as a matter of comity, but we are going to continue to press that issue as we move through with this legislation and other legislation until we have an opportunity to speak for those 13 million families that are, today, being left out and left behind.

There is no excuse for the majority leader not to schedule this program. We would not need to offer this amendment if we were given a reasonable time to debate this on a clean bill and do it at any time of the day or evening that the majority leader wants to do it.

Let us have at least an opportunity to speak to this issue. Mr. Majority Leader, do not deny us economic justice for working families.

Mr. LOTT. Noticing that the manager of the bill is not on the floor yet, I ask unanimous consent that the time for morning business be extended for 10 minutes so I may address some comments to the ones just made and speak briefly about this bill.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts.

Mr. KENNEDY. Reserving the right to object, I will not object as long as my friend and colleague will somehow be recognized during consideration of morning business.

Mr. DORGAN. Parliamentary inquiry. My understanding was that morning business was already extended 10 minutes by the unanimous consent, agreed to by the Senator from Iowa, Senator GRASSLEY. If that is the case, the Senator from Mississippi is asking the 10 minutes be added to that time?

Mr. HATCH. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator. First, Mr. President, is that correct, it had already been extended?

The PRESIDING OFFICER. Morning business closes at 10:10.

Mr. HATCH. Mr. President, I was supposed to be accorded 15 minutes for my remarks. I have to make these remarks this morning. I appreciate if it could be extended. I was on the list. Could I follow the distinguished Senator from Mississippi?

Mr. LOTT. Mr. President, if I could inquire of the Chair, does the distinguished Senator from North Dakota desire time also?

Mr. DORGAN. Yes.

Mr. LOTT. How much time is he interested in?

Mr. DORGAN. Eight minutes.

Mr. LOTT. Mr. President, I ask unanimous consent that the time for morning business be extended until 10:30.

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

Mr. HATCH. Could it be in this order: the distinguished Senator from Mississippi, then the Senator from Utah, then the Senator from North Dakota?

Mr. LOTT. I modify the unanimous consent to that effect.

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

Mr. LOTT. Thank you, Mr. President. I thank my colleagues for working with us as we get that worked out.

IMMIGRATION

Mr. LOTT. Mr. President, we are here today going to take up legislation that I hope will pass before the end of this legislative week. It is very important legislation. It is major immigration reform.

We have a problem in America with illegal immigration. We are not controlling our borders. We have illegal immigrants in this country that are taking advantage of the taxpayers of this country. There needs to be some changes. There needs to be some relief in the way we handle immigration in America, particularly as it applies to illegal immigrants.

This legislation has already been delayed a week now while we argue over

whether or not to allow extraneous matters, amendments that are not relevant to this legislation. Whether or not they will be added, it is a distraction. We can work out these matters. They can be offered on other occasions, on other bills. I plead with my colleagues for us to keep our focus on the bill before us—illegal immigration reform. If you want this problem to be dealt with, you have to give us the time to deal with the amendments that are relevant, those that are pending. Others, I am sure, will be welcomed.

We can work on this legislation today and hopefully finish it tomorrow. If we get sidetracked with issues that are not relevant, have not been considered by the committee that is bringing this bill up, it will delay it, maybe even cause it to be withdrawn or maybe not be completed. The American people want this action. We need to face up to doing the right thing.

The Senator makes the point about the minimum wage. I know there are discussions going on now in a bipartisan way, and among the leadership on all sides of the Capitol, both sides of the Capitol, to come up with a way to consider how we address the problems of job security in America.

I am worried about job security. I am worried about people that will lose their jobs and small businesses that could lose jobs in their business or have to pay the costs of what the Senator from Massachusetts is proposing. We need to think about how we proceed on this. I think we can come up with a degree to proceed.

In the meantime, we need to address this problem: How we can help State and local officials in dealing with illegal immigrants. The bill reported from the Committee on the Judiciary focuses on the problem of illegal immigration, entry into the territory without official approval as an immigrant, refugee, or alien. That illegal entry is a crime. We need to start with that. It is a crime. ''Illegal'' means you are doing something that is wrong and is a crime.

It may have extenuating circumstances. It may make sense for those who undertake it to come into this country. Obviously, they are attracted to the free enterprise system in America. They have economic and social concerns for their families. It is a crime and strikes at the heart of one of the conditions of nationhood: the ability to control the borders of our own country. That is what this bill is about and what our debate this week should be about.

I hope we will not be treated to accusations of xenophobia and racism from those who oppose a legitimate crackdown on illegal immigration. You talk about job loss; there are problems where jobs are being improperly taken by these illegal immigrants. What we are trying to do with this legislation is reestablish order and control over the process of entering the United States. Orderly immigration has always been a net good for our country. If we tried to catalog the major contributions—scientific, economic, cultural, patriotic—of immigrants in the last few decades, it would take more time than we could spare here. Just as industrial America grew strong from the human capital of Ellis Island, so is our country's future being created anew by our new citizens that come in from every corner of the world. That is fine.

The Republican platform in 1992, the one some of the news media denounce as antiimmigrant, put it this way:

> Our Nation of immigrants continues to welcome those seeking a better life. This reflects our past, when some newcomers fled intolerance; some sought prosperity, some came as slaves. All suffered and sacrificed but hoped their children would have a better life. All searched for a shared vision—and found one in America. Today we are stronger for their diversity.

Uncontrolled immigration, however, is a different matter. We simply cannot allow our borders to be overrun, our laws flouted, and our national generosity abused. Every year, over one million persons are turned back while attempting illegal entry into this country. But many more are not apprehended and get into the country. There are probably more than 4 million illegal aliens now in this country. Their numbers are growing at about 300,000 to 400,000 people each year. That is unacceptable. The American people are paying a tremendous price because of it.

It was not so long ago that Congress legislated amnesty for persons then illegally in the United States. Hundreds of thousands illegal aliens and undocumented aliens, they were preferred to be called, took the opportunity to regularize their presence here. Many of them have now become citizens. More power to them. But to balance that unprecedented amnesty—and to make sure it need never be repeated—we need to pass this legislation.

I urge my colleagues to keep their focus on this important legislation. We should get it done. It is overdue.

JUDGES AND CRIME

Mr. HATCH. Mr. President, I wish to respond to some of the extraordinary remarks President Clinton made during the recent congressional recess on crime and judicial appointments. Let me note, again, that there is simply no substitute, as a practical matter, for the sound exercise of Presidential judgment in nominating persons to lifetime Federal judgeships.

I find President Clinton's remarks on April 2—which have been echoed by Vice President GORE and by White House aides—concerning the administration's record on judges to be a remarkable effort to dodge the consequences of his own judicial selections and to deflect the attention of the American people from these selections. I welcome the opportunity to set the record straight and to dispel the administration's myths they are attempting to weave to protect their judges and themselves.

MYTH NO. 1

The President said, regarding criticism of his judicial selections, that this side is ''sort of embarrassed'' by our crime record. Vice President GORE repeated this assertion before a group of newspaper editors, and Jack Quinn, the White House counsel, echoed it in yesterday's USA Today. This simply is not true, no matter how many times the President repeats himself. And this from a President AWOL—absent without leadership—in the war on drugs. He mentioned the Brady bill, the so-called assault weapon ban pertaining to 19 firearms, the 100,000 police he keeps talking about, and the 1994 crime bill. I will examine each in turn.

It is the swift apprehension, trial, and certain punishment of criminals that is our best crime prevention mechanism, not the gun control measures the President mentions. Hard-nosed judges, tough prosecution policies, and adequate prison space will do more to control crime than these measures. I might add that it is particularly ironic to hear the President's comment this month. This side of the aisle has just sent the President the product of over a decade of Republican efforts to curb endless, frivolous death row appeals. The bill also places prohibitions on terrorist fundraising; contains provisions on terrorist and criminal alien removal and exclusion; strengthens the laws pertaining to nuclear, biological, and chemical weapons; authorizes $1 billion over 4 years for the FBI, the Drug Enforcement Agency, the INS, U.S. attorneys, the Customs Service, and other law enforcement agencies; and a number of other tough provisions.

Although I expect the President to sign the antiterrorism bill today, he worked against its key restrictions on the abuse of the writ of habeas corpus. He even sent his former White House Counsel, Abner Mikva, to lobby on the Hill to dilute these provisions, which will provide for the swifter execution of death row murderers.

Meanwhile, his Solicitor General, Drew Days, has failed to appeal decisions, such as the case of United States versus Cheely, that may hamper efforts to impose the death penalty on terrorists such as the unabomber in California. During a November hearing chaired by myself and my good friend Senator THOMPSON, the Judiciary Committee learned that the Clinton administration's Solicitor General generally has ceased the efforts of the Reagan and Bush administration to vigorously defend the death penalty and tough criminal laws.

Instead, the Clinton administration's Solicitor General has refused to appeal soft-on-crime decisions to the Supreme Court, and he even has argued before the Court to narrow Federal child pornography laws.

The President talks about 100,000 new police officers. His plan will not add

100,000 police officers to the rolls of our law enforcement agencies.

The 1994 crime bill? When it left the Senate, it was a reasonably tough bill, not perfect, but a solid contribution to the swift apprehension of criminals and tough, certain punishment. By the time the other body and the Clinton administration got through with it, it was softened and loaded with billions and billions of dollars of wasteful pork—old-fashioned Great Society social spending boondoggles. This is why some of us opposed the bill.

Meanwhile, the President abandoned the bully pulpit in the fight against drugs. In 1993, he slashed the drug czar's office. He proposed significant drug enforcement personnel cuts to the Drug Enforcement Agency, the FBI, the INS, the Customs Service, and the Coast Guard. President Clinton has cut America's ability to interdict drug shipments in the transit zone. Through the 1980's and early 1990's, the United States experienced dramatic and unprecedented reductions in casual drug use. But since 1992 drug use among young people has shot back up.

MYTH NO. 2

According to the Clinton administration, there are decisions by Reagan and Bush judges that favor criminals. That is no doubt the case. I do not agree with every decision made by a Republican-appointed judge, nor do I disagree with every decision made by a Democratic-appointed judge. But, on the whole, Republican appointed judges are going to be tougher on crime. And the American people will never see a Republican President appoint a Rosemary Barkett or a Lee Sarokin or a Martha Daughtrey to the Federal appellate bench.

Presidents Reagan and Bush appointed 573 judges to the Federal courts, and some of them have served for more than a decade. They have thousands of decisions they have written, and some of these no doubt will find in favor of a criminal defendant, and sometimes, of course, it is the case that the police or prosecutors have stepped over the line.

President Clinton has appointed 185 judges so far to the Federal bench, and many of them have served for only 2 years. Furthermore, several of these judges consistently have issued decisions that are soft on crime—not just because of their result, but because of their reasoning. That is why I take such care to describe the facts and reasoning of these decisions, because once the American people learn what these activist judges have written, it is clear that they display a tolerant attitude toward crime and drugs.

MYTH NO. 3

The Clinton administration alleges that I and other Republicans have focused on only the same dozen criminal cases. They find references to these cases meaningless, because they do not accurately represent the large number of cases decided correctly.

This answer is a red herring at best. It ignores the obvious fact that some decisions by some courts are more important than others. Decisions by the Supreme Court are far more important than hundreds of decisions by district court judges, because it is the decision of the High Court that binds all others.

Perhaps the most important judges are those who sit upon the 13 Federal courts of appeals, because these courts effectively exercise the final say on most of the cases brought in the Federal courts. President Clinton has appointed 30 judges of the 175 judges who sit on the appellate courts. Most of these judges have been on the bench 2 years of less. But in those 2 years, more than half of those Clinton judges—at least 17 of the 30—have issued or joined activist opinions that have been sympathetic to criminal defendants at the expense of legitimate law enforcement interests, or that have sought to substitute their policy preferences for those of the people as expressed in written law. Judges Sarokin, Baird, and Daughtrey are only the most egregious examples, because their crystal clear track records reflected their activist bent.

But take, for example, Judges Judith Rogers and David Tatel, who have voted with the liberal wing of the D.C. Circuit—probably the second most powerful court in the land—in every important en banc case. In particular, both judges dissented in *Action for Children's Television* v. *F.C.C.* [58 F.3d 654 (CADC 1995) (en banc)], in which the majority—all Reagan and Bush appointees—held that the Government could restrict indecent broadcasts on television during certain hours. Judges Rogers and Tatel joined two Carter judges in arguing that the Government was somehow violating the first amendment. This is activism of the worst sort, and, as the distinguished majority leader pointed out yesterday, at odds with the President's posturing on the V-chip legislation.

Or take, for example, the performance of Judge Martha Daughtrey of the sixth circuit. As I recall it, Vice President GORE was a strong supporter of then Tennessee State Supreme Court Justice Martha Daughtrey when she was nominated to the Court of Appeals for the Sixth Circuit. We had a rollcall vote in the Judiciary Committee on Judge Daughtrey, where I voted against her. I believed she was insufficiently tough on crime. Among the concerns I expressed, when she was a member of an intermediate State court, ''she voted frequently, often in dissent, to reduce prison sentences for convicted criminals or to eliminate them entirely in favor of mere probation.''

My concerns about Judge Daughtrey have been realized in certain respects. In *United States* v. *Garnier* [28 F.3d 1214 (CA6 1994)], police in Johnson City, TN, stopped a car for making a left turn without signaling and for erratic driving. The police believed that the driver might have been under the influence. The traffic infractions alone provided grounds to stop the car.

A field sobriety test of the driver was negative. But, during the stop, police noticed that a passenger reached several times into a bag on the floorboard of the car. Reasonably concerned for their safety, police asked the passenger to exit the vehicle and asked to look in the bag. Passenger Rudolph Garnier consented, but nothing was found.

When police frisked Garnier for weapons, they found a cellular phone, a pocket beeper, and two rolls of cash totaling about $2,100. Police then asked if they could search the trunk. Both the driver and Garnier consented. The police found a shopping bag belonging to Garnier that contained a baggie with a large amount of crack cocaine.

Here, we had erratic driving early in the morning, motions toward a bag, large amounts of cash, a cellular phone, and beeper. Law enforcement officers well know that drug dealers often carry large amounts of cash and use cellular phones and beepers to set up sales. I think most people would find the search reasonable, especially since it came after the voluntary consent of the driver and passenger.

Judge James Ryan of the sixth circuit, appointed by President Reagan, would also agree. When this case came up for appeal, he voted to uphold the legality of the police search. He wrote,

> These items provided the officer with sufficient articulable suspicion to extend the purpose and scope of the stop. No competent police officer in America, in 1993, would fail to suspect, reasonably, that these items suggested that narcotics might well be present somewhere in the vehicle.

Unfortunately for law abiding citizens, Judge Ryan's opinion was a dissent. The majority opinion, written by Judge Daughtrey, and joined by Judge Damon Keith, a Carter appointee, threw the evidence out of the case. They held that unless police had found a weapon on Garnier, police had no right to ask to search the trunk.

Frankly, Judge Daughtrey created this rule out of thin air. The fourth amendment, which Judge Daughtrey did not even quote in her opinion, prohibits only ''unreasonable searches and seizures.'' There is no per se rule that a weapon must be found before an officer can even ask to search further. He only asked for permission to search, it was not a coercive search. And, in fact, the defendant gave permission.

Think about it. In Judge Daughtrey's world, police are not even allowed to ask for permission to search a vehicle unless certain predicates are found to have occurred. Unfortunately, the citizens of Michigan, Ohio, Tennessee, and Kentucky are going to have to live with Judge Daughtrey long after President Clinton has left office.

I will mention one more case involving Judge Daughtrey. In United States versus Long, customs inspectors discovered child pornography videos mailed from overseas to defendant's address. Police obtained a warrant to search the defendant's residence and found 19 magazines, books, and drugs.

Judge Milburn, a Reagan appointee, and senior Judge Weis, a Nixon appointee, upheld the search. Judge Daughtrey dissented on the ground that there was no probable cause to search for additional pornographic material at the defendant's home. She flatly ignored a law enforcement officer's unrebutted affidavit, who said that based on his experience and from experts in the field that it was likely that more examples of child pornography would be found.

These judges are typical of more than half of the Clinton appellate judges. These judges sit on high above the district court judges who make the hundreds and thousands of usually uncontroversial, run-of-the-mill rulings that come up in a trial. These appellate judges make rulings on issues of law that will extend from the case before them to bind the other judges in that circuit on every similar case. The White House has cited decisions by Reagan-Bush judges as being soft on crime, but these decisions are almost exclusively at the trial level and seem to be an aberration for the particular judge. By contrast, I have focused attention previously on the important appellate decisions, and I have focused on particular judges rather than particular aberrational cases. It is clear that President Clinton has put on the bench particular individual judges who are continually activist.

To be sure, there are 13 Clinton appellate judges who have yet to issue activist decisions. But many of them have been on the bench for only a few months, and have yet to issue any significant opinions. And, quite honestly, I have not yet researched all of the decisions of all of these judges. who knows what I will find when I have more time to read these other decisions.

MYTH NO. 4

The Clinton administration maintains that it has appointed only moderate, highly qualified judges because its nominees have received better ratings from the American Bar Association than those received by judges appointed by Republican Presidents. This is truly unconvincing, because the ABA itself is no longer just an impartial trade association; over time it has been transformed into an ideological advocacy group.

The ABA has taken positions on some of the most divisive issues of our day, such as abortion, and it has vigorously lobbied on Capitol Hill against many of the sensible legislation and reforms that we, in the 104th Congress, have pursued. It has lobbied against the flag desecration amendment, against mandatory minimum sentences, against changes in the exclusionary rule, and against habeas corpus reform. It has lobbied for proracial preference and quota legislation and against the 104th Congress' efforts to end them. I question whether an ideological organization such as the ABA can be trusted to play an impartial role in any governmental process, such as judicial selection. It is my hope that the ABA can play an impartial role. Only the future and the ABA's willingness to depoliticize itself, will tell.

MYTH NO. 5

The Clinton administration believes that it is hypocritical for Republicans in the Senate to criticize the Clinton judiciary, because we only voted against confirming a handful of the nominees. To be sure, sometimes we cannot predict how a nominee will act. In those cases where we can, in good faith, predict how a nominee will act, we have opposed the nomination, as in the cases of Judges Barkett, Sarokin, and Daughtrey.

But my main response is to remind the President of first constitutional principles. The Senate's job is only to advise and consent to those individuals nominated by the President. When Presidents Reagan and Bush lived with a Democratic Senate, we, Republicans, argued that the Senate owed some discretion to the President.

We have remained consistent in that position even under a Democratic President. As Alexander Hamilton explained in the Federalist No. 66:

> It will be the office of the president to nominate, and with the advice and consent of the senate to appoint. There will of course be no exertion of choice on the part of the senate. They may defeat one choice of the executive, and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the president.

The words of our Founding Fathers clearly explain why this election is so important. As a practical and as a constitutional matter, the Senate gives every President some deference in confirming judicial candidates nominated by the President. It is the President's power to choose Federal judges, and his alone. A Republican President would not nominate the same judges that a Democrat would, and vice versa. Thus, the American people should keep in mind that when they elect a President, they elect his judges too—and not just for 4 years, but for life. There simply is no substitute for the power to nominate Federal judges.

Finally, I would like to say this: We are not going to treat the Clinton judges the way our judges were treated in the Reagan and Bush administrations. We have treated them fairly. Yes, I would not have appointed very many of those judges. Neither would any other Republican. Neither will Senator DOLE when he becomes President. But the fact of the matter is President Clinton was elected. He is our President. He has a right to choose these judges, and we have an obligation to support those judges unless we can show some very valid constitutional reason or other reason why we should not.

As a general rule, we follow that rule and we do it even though we may not agree with these particular selections. But that does not negate the fact that in retrospect as you look over the record these judges are more liberal. They are deciding cases in a more liberal fashion. They are deciding cases in an activist fashion. They are deciding cases that are soft on crime. And I have to say this is one of the big issues of our time. Are we going to continue to put up with this? Are we going to start realizing that these are important issues? And that is not to say that there are not Republican judges who make mistakes too. But these are more mistakes. These involve philosophy of judging that literally should not be a philosophy of judging. Judges are not elected to these positions. Judges are appointed for life and confirmed for life. They should be interpreting the laws made by those elected to make them, and they should not be making laws as legislators from the bench. Unfortunately, that is what we are getting today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 8 minutes.

ILLEGAL IMMIGRATION

Mr. DORGAN. Mr. President, I hope the Senator from Wyoming, if he has a moment, would have an opportunity to hear what I have to say. The business of the Senate as I understand from the majority leader's announcement is to come back to the bill on illegal immigration which is to be managed by the Senator from Wyoming, Senator SIMPSON.

Let me just in a couple of minutes of morning business say that I will likely vote for the illegal immigration bill. There are a couple of issues in it that I think will be the subject of some controversy. But I think the piece of legislation that has been constructed is worthy, and it is a reasonably good piece of legislation. It addresses a subject that needs addressing, and that should be addressed. I have no problem with this bill at all.

I believe we find ourselves in the following circumstances. Consent was given when the piece of legislation was introduced. Following the introduction of the Dorgan amendment, consent was given to the Simpson amendments. I think they were offered, and those amendments are pending. There is an underlying amendment that I offered that has been second-degreed by Senator KEMPTHORNE from Idaho. That is apparently where we find ourselves.

I wanted to explain again briefly what compelled me to offer an amendment on this piece of legislation. And, if we can reach an understanding with the majority leader, I have no intention to keep the amendment on this legislation. But here are the circumstances.

The majority leader has the right to bring a reconsideration vote on the constitutional amendment to balance the budget at any time without debate

and without amendment. He understands that. We understand that. He has indicated to me now that he does not intend to do that in the coming days. It will probably be in a couple of weeks. But he had previously announced that he would, at some point in April, perhaps mid-April, the end of April, force a reconsideration vote on the constitutional amendment to balance the budget.

The result was because we were going to have no opportunity to debate or to offer an amendment, and because some of us feel very strongly we will vote for a constitutional amendment provided it takes the Social Security trust funds and sets them outside of the other Government revenues and protects those trust funds. If it does that, we would vote for an amendment. We had done that before. There are a number of us on this side who have done that before. We offered it as an amendment. We voted for it. But we will have no opportunity to do a similar thing at this time, and my point was we would like the Senate to express itself on that issue.

The only way I could conceive of doing that was to offer a sense-of-the-Senate resolution. The sense-of-the-Senate resolution was to say that when a constitutional amendment to balance the budget is brought back to the floor of the Senate, it ought to include a provision that removes the Social Security trust funds from the other operating revenues of the Federal Government. We, incidentally, did that previously in an amendment that I believe got 40 votes. If it does, I would vote for it and I think there are probably a half dozen or dozen other Members who would similarly vote for it and we would have 70 or 75 votes for a constitutional amendment to balance the budget.

Because of circumstances and because of the parliamentary situation, I offered that as a sense-of-the-Senate resolution. It was then second-degreed. The Senator from Wyoming became fairly upset about that, and I understand why. He is managing a bill dealing with immigration. He said, ''What does this have to do with immigration?''

Plenty of people have offered amendments that are not germane in the Senate. We do not have a germaneness rule. They have offered them because they felt the circumstances required them to offer them.

The Senator from Massachusetts indicated that he intends to offer an amendment on the minimum wage, increasing the minimum wage on this piece of legislation. My expectation would be, if there were an agreement reached by which the Senate would be able to agree to a vote on the minimum wage at some point, that amendment would go away as well. I do not intend to press my amendment if I can reach an agreement with the majority leader to give us an opportunity to offer, either a constitutional amendment to balance the budget that protects the Social Security trust funds, or some other device that allows us to register on that issue before we are forced to vote on reconsideration.

I want to make just another point on the Social Security issue because I think it is so important. We are not talking about just politics, as some would suggest. Some say there is no money in the Social Security trust fund. That is going to be a big surprise to some kid who tries to ask his father what he has in his savings account, and his father says you have Government savings bonds, but there is really no money there. That is what is in the Social Security trust fund, savings bonds, Government securities. Of course there is money there.

The problem is continuing to do as we have done for recent years, and that is, instead of save the surplus that we every year now accumulate in the Social Security system, $71 billion this year, if we instead use it as an offset against other Government revenues we guarantee there will be no money available in the Social Security trust funds when the baby boomers retire. It is about a $700 billion issue in 10 years, and we ought to address it. It is not unimportant. It is not politics. It might be a nuisance for some for us to require that it be addressed at some point or another, but those of us who want it addressed are not going to go away.

I guess I would say at this point that the two issues that have been raised—the one I have raised by the sense-of-the-Senate resolution I think can be resolved if the majority leader, who was, from our last conversation yesterday, going to be visiting with the Parliamentarian to see if we could find a way to provide a method for a vote on the approach I have suggested and we have previously offered on the constitutional amendment to balance the budget. If that happens, I do not intend to be continuing to press the sense-of-the-Senate resolution that I had previously offered.

I wanted to speak in morning business only to describe what the circumstances are on this piece of legislation. I am not here to make life more difficult for the Senator from Wyoming. I have great respect for him. I think the legislation he has brought to the floor has a great deal to commend it.

Even if we do not resolve this issue on the Social Security trust funds, I would not intend to ask for more than 10, 15, 20 minutes debate. I am not interested in holding up the bill. Under any conditions, I am not interested in holding up this bill.

I would agree to the shortest possible debate time, if we are not able to resolve the issue in another way. But my hope would be in the next hour or so we might be able to resolve that issue in another way. We would still, then, be asking, it seems to me, based on the discussions of Senator KENNEDY, for some kind of commitment to allow the Senate to proceed to deal with the issue of the minimum wage.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1664, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan amendment No. 3667, to express the sense of the Senate that a balanced budget constitutional amendment should protect the Social Security system by excluding the receipts and outlays of the Social Security trust funds from the budget.

Simpson amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education.

Simpson amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students.

Simpson amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Simpson amendment No. 3672 (to amendment No. 3667), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, just a prefatory remark, with regard to my friend from North Dakota.

I enjoy working with the Senator from North Dakota. We are near neighbors in that part of the world. I can understand the depth of his very honest conviction about Social Security and the balanced budget. It is not an opinion I share, because I feel that the Social Security System is going to go broke, whether you have it on budget, off budget, hanging from space or coming out of the Earth. It is going to go broke in the year 2029. It is going to start its huge swan song in 2012, and the reason we know that is because the trustees of the system are telling us that. So I understand completely.

He is sincere in what he is doing. He is a believer in that cause and he is persistent, dogged, and I know that very well. So, in that situation we will just see how it all plays out.

AMENDMENT NO. 3669

Mr. SIMPSON. So the status of the floor is that the bill is now reported.

I, therefore, ask that the Chair lay before the Senate amendment No. 3669.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3669 was printed in the RECORD of April 15, 1996.)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3722 TO AMENDMENT NO. 3669

Mr. SIMPSON. I send a second-degree amendment to the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3722 to amendment No. 3669.

Mr. SIMPSON. 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:

214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof' public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following: ':*Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.'; and

''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 3670

Mr. SIMPSON. Mr. President, I now ask the Chair lay before the Senate amendment No. 3670.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3670 was printed in the RECORD of April 15, 1996.)

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3723 TO AMENDMENT NO. 3670

Mr. SIMPSON. I send a second-degree amendment to the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3723 to amendment No. 3670.

Mr. SIMPSON. 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:

PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney general and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''SEC. 281.''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expended, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 3671

Mr. SIMPSON. I ask the Chair lay before the Senate amendment No. 3671.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of amendment No. 3671 was printed in the RECORD of April 15, 1996.)

Mr. KENNEDY. Mr. President, I send a second-degree amendment on the minimum wage.

Mr. SIMPSON. Mr. President, I do have the floor.

AMENDMENT NO. 3724 TO AMENDMENT NO. 3671

Mr. SIMPSON. 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 Wyoming [Mr. SIMPSON] proposes an amendment numbered 3724 to amendment No. 3671.

Mr. SIMPSON. 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:

115A. FALSE CLAIMS OF U.S. CITIZENSHIP.

''(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

'(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.'; and

''(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

MOTION TO RECOMMIT

Mr. SIMPSON. Mr. President, I move to recommit S. 1664 to the Judiciary Committee with instructions to report back forthwith. I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] moves to recommit S. 1664 to the Committee on the Judiciary.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SIMPSON. Mr. President, I now send an amendment to the desk to the motion.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY. Mr. President, a point of order, there was not a sufficient second.

The PRESIDING OFFICER. There was not a sufficient second.

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

Mr. SIMPSON. Mr. President, I ask for the yeas and nays. There is a sufficient second on the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. SIMPSON. Mr. President, I shall renew the request, Mr. President, and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3725 TO INSTRUCTIONS OF MOTION TO RECOMMIT

Mr. SIMPSON. Mr. President, I now send to the desk an amendment to the motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3725 to instructions of motion to recommit S. 1664.

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

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

The amendment is as follows:

Add at the end of the instructions the following: ''that the following amendment be reported back forthwith.

After sec. 213 of the bill, add the following new section:

''SEC. 214. USE OF PUBLIC SCHOOLS BY NON-IMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following: ': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if(I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.'; and

''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if(I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3726 TO AMENDMENT NO. 3725

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3726 to amendment No. 3725.

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

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

The amendment is as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following new section:

SEC. . PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identify and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''SEC. 281.''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

Mr. SIMPSON. Mr. President, I appreciate the good will of my friend from Massachusetts. I think after an explanation of what the procedure was, even though I know that that is a difficult one, that nevertheless, it is appropriate under the rules. I had expressed to the Senator from Massachusetts and to the Senator from North Dakota that it would be my intent to proceed and move forward with regard to this issue. These other issues, I hope, can be addressed at some other forum.

The pending business of the U.S. Senate for the last week has been the illegal immigration bill, not the balanced budget amendment, not Social Security, not the minimum wage, not anything. It has been set aside, and we have handled some very significant legislation in the interim.

I want to commend Senator KENNEDY and Senator KASSEBAUM for the work that they did, which was quite evident, the worth of it and the success of it, by a vote of 100 to 0, on an issue that has been creating tremendous difficulty with all of us. We have started down the road of reform with regard to health care, incremental as it is, but certainly something that the Senator from Massachusetts has been involved in in his entire career in the U.S. Senate.

Sometimes he is a vexing adversary, sometimes he is a warm and helpful ally; but there is one thing the Senator from Massachusetts is, he is a master legislator. We do not have to agree, but if there is anyone who knows more about legislating in this place, I mean day-to-day legislating, the rules, the procedures of legislating, not simply procedure—that helps—then it certainly is the Senator from Massachusetts who is one of the most able in this arena. With that—and I do not want to get too heavy; that would be totally uncharacteristic and unnecessary, Mr. President—I am pleased that we are once again considering the very important issue of immigration reform. This is about immigration reform.

As the majority leader mentioned last week, wherever one visits in this country, the issue is: When is Congress going to do something about immigration? That always comes up. The people of this country want reform. They want those who are not supposed to be in this country to be removed from this country. They do not want those who are subject to deportation to be allowed to roam the United States at will while awaiting their removal, also, working and taking away the jobs of American citizens. They want a reduction in overall immigration numbers. That is what they tell us on a consistent basis.

We now have an opportunity to accomplish all of that. We have a very good bill before us, and we have many amendments proposed, some of which will improve the legislation. There will be amendments. Those have been submitted. Those should be known to Members and staff by this time. We will proceed with those. I trust my colleagues will bring these amendments to the floor so we may conclude this contentious but important and consistent and ever-present debate and pass comprehensive immigration reform during this week.

The Barbara Jordan Commission left a statement which I think is worthy of all of us to be reminded of on this date. It was to this effect: The credibility of immigration policy can be measured by a simple yardstick. These are the words of Barbara Jordan, former Congresswoman, remarkable, remarkable American, a woman I greatly admired and respected and was honored to participate at the memorial service on her behalf at the Kennedy Center. That was a very, very emotional and touching thing for me. She said the simple yardstick is this: People who should

get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave. You cannot state it any more clearly than that.

The pending business is a Simpson second-degree amendment on a motion to recommit. This is the Simpson amendment No. 2, the pilot program. I believe that is now the pending business. I believe the debate on that amendment has been had. It was at the desk. Let me just refresh your memory on that. That was the amendment to provide a pilot student-tracking program. The aim was to enable the INS to keep track of foreign students studying in this country. The amendment would provide a source of funding to the INS to establish a very basic, computer-based system for keeping track of foreign students. It is a measure supported by the FBI Director, who expressed deep concerns about our ability to track such students in a 1994 memo regarding possible entry venues for tourists.

This is not an intrusive provision. Colleges and universities already are required to provide this sort of information to the INS. The problem in the past has been that the INS has not devoted sufficient resources to this activity to create a body of reliable information. So the amendment's aim is to provide funding so the INS can implement a system to keep track of foreign students studying here. It seems reasonable that such funding should come from the students themselves and not from the taxpayer. A student who is willing to pay $10,000 or $20,000 in this country or $80,000 to $100,000 over the course of study, is unlikely to be greatly concerned at being asked to pay an additional fee of $50 or $100 for the issuance of a student visa.

That is the substance of the amendment. I inquire if there is further debate on the amendment, or move the question on the amendment.

Mr. KENNEDY. Mr. President, effectively, in terms of the substance of the legislation that we have before the Senate, I support these three amendments, for the reasons we outlined the other evening when we commenced the debate on these items. One allows us to be able to track foreign students to find out what happens to those students. We are unable to do so now. There is a serious question about whether the foreign student visas are being used for real education or as another way to circumvent the laws. That is reasonable.

The second amendment deals with the situation where a young person gets a students visa to be able to come in and attend a private university and is able to demonstrate he or she has the resources to be able to do it and then makes a decision, after he or she is here, to go to a public university. It is a drain on the taxpayer funds. We want to address that situation. It is not unimportant. We are supportive of that particular legislation.

A final amendment deals with an individual who, either for employment or to get some kind of support funding, makes a false claim that they are a citizen when they are not. The amendment makes them subject to deportation. I think that makes a good deal of sense. If an individual is trying to either displace an American in a job and misrepresents his or her status by lying to the employer and stating that he or she is a citizen, or stating to other local or State or Federal officials that he or she is a citizen, when they are not, in order to benefit from some other kind of emergency services, that individual, I believe, ought to be subject to deportation.

On the substance of these amendments, I support all of them. The second-degree amendments are only a means for effectively denying the opportunity to amend the underlying amendments. As I understand, the substance of those is to change the date of enactment of those particular provisions by a day, meeting the requirements of the Senate rules in not changing the substance of it.

Finally, Mr. President, I understand that because of the changes in the parliamentary situation, now we will address those three at whatever time it is fine to move ahead on those amendments as far as this Senator is concerned. There may be other considerations which would dictate a time designated by the majority-minority leaders for the consideration of those measures.

Instead, moving back, then, to what would have been the Dorgan amendment and have that the pending business through the changes in the parliamentary situation which were just agreed to. The Dorgan amendment, for all intents and purposes, would not be the pending business. There would be then an opportunity after these amendments are addressed to amend the underlying legislation at that time. The pending business would no longer be the Dorgan amendment.

For those who are interested, both Senator DORGAN and myself will, at least hopefully, have some opportunity to address for a brief time, but hopefully within an agreement of a short timeframe, either the minimum wage or Senator DORGAN's amendment.

I was glad to try to place the minimum wage as a second degree to underlying amendments previously. We did not have the opportunity to do so. Perhaps there will be an effort to completely foreclose the opportunity to address it, but it is certainly my intention not to delay this legislation but for a short timeframe to address the minimum wage. This legislation will be before the Senate for a time, and we will try to at least see if there is some opportunity to do so. I know that is not the desire of the floor manager to move ahead. In any event, that would be my intention.

I yield to the majority leader without losing the right of recognition after he has concluded.

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

CORRECTING THE ENROLLMENT OF S. 735

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 54 and Senate Concurrent Resolution 55, submitted earlier by Senator HATCH. I further ask unanimous consent that these resolutions be agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to either of these resolutions appear at the appropriate place in the RECORD.

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

The concurrent resolutions (S. Con. Res. 54 and S. Con. Res. 55) were agreed to, en bloc, as follows:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to section 431 through 443 respectively.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 325 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

(3) insert ''section'' before ''6(j)''.

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert ''foreign'' before ''terrorist organization'';

(2) in subsection (a)(2)(A)(i), strike ''an'' before ''organization under '' and insert ''a foreign'';

(3) in subsection (a)(2)(C), insert ''foreign'' before ''organization''; and

(4) in subsection (a)(4)(B), insert ''foreign'' before ''terrorist organization''.

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of state''; and

(3) add the words ''the government of'' after ''engages in a financial transaction with'';

At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

In section 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Expert Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill, strike ''security''.

Strike section 431 of the bill and redesignate sections 432 and 444 as section 431 through 443, respectively.

In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

In section 443, by striking subsection (d) in its entity and inserting:

(d) EFFECTIVE DATE.—the amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulation that shall be published on or before January 1, 1997.

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443, respectively.

Strike section 1605(g) of title 28, United States Code, proposed to be added by section 221 of the bill, and insert the following:

''(g) LIMITATION ON DISCOVERY.—

''(1) IN GENERAL.—(A) Subject to paragraph (2), if an action is filed that would otherwise be barred by section 1604, but for subsection (a)(7), the court, upon request of the Attorney General, shall stay any request, demand, or order for discovery on the United States that the Attorney General certifies would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, until such time as the Attorney General advises the court that such request, demand, or order will no longer so interfere.

''(B) A stay under this paragraph shall be in effect during the 12-month period beginning on the date on which the court issues the order to stay discovery. The court shall renew the order to stay discovery for additional 12-month periods upon motion by the United States if the Attorney General certifies that discovery would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action.

''(2) SUNSET.—(A) Subject to subparagraph (B), no stay shall be granted or continued in effect under paragraph (1) after the date that is 10 years after the date on which the incident that gave rise to the cause of action occurred.

''(B) After the period referred to in subparagraph (A), the court, upon request of the Attorney General, may stay any request, demand, or order for discovery on the United States that the court finds a substantial likelihood would—

''(i) create a serious threat of death or serious bodily injury to any person;

''(ii) adversely affect the ability of the United States to work in cooperation with foreign and international law enforcement agencies in investigating violations of United States law; or

''(iii) obstruct the criminal case related to the incident that gave rise to the cause of action or undermine the potential for a conviction in such case.

''(3) EVALUATION OF EVIDENCE.—The court's evaluation of any request for a stay under this subsection filed by the Attorney General shall be conducted ex parte and in camera.

''(4) BAR ON MOTIONS TO DISMISS.—A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

''(5) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States.''.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

In section 620H(a), proposed to be inserted after section 629G of the Foreign Assistance Act of 1961, by section 326 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

(3) insert ''section'' before ''6(j)''.

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert ''foreign'' before ''terrorist organization'';

(2) in subsection (a)(2)(A)(i), strike ''an'' before ''organization under'' and insert ''a foreign'';

(3) in subsection (a)(2)(C), insert ''foreign'' before ''organization''; and

(4) in subsection (a)(4)(B), insert ''foreign'' before ''terrorist organization''.

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of State'';

(3) add the words ''the government of'' after ''engages in a financial transaction with'';

At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

In section 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Expert Control Act, by section 330 of the bill, strike ''security''.

Strike section 431 of the bill and redesignate sections 432 through 444 as sections 431 through 443, respectively.

In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

In section 443, by striking subsection (d) in its entirety and inserting: (d) EFFECTIVE DATE.—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulations that shall be published on or before January 1, 1997.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3726

Mr. KENNEDY. Mr. President, we will have a brief quorum call to discuss with the floor manager whether or not they want to have a series of rollcalls. I hope we will dispose of the amendments in a timely way. If we can move ahead with voice votes on all of those—well, 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. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SIMPSON. We will proceed now, but I would make a remark because I certainly can understand the position of Senator KENNEDY and the issue that is driving him in this debate, but not necessarily on this bill, and also Senator DORGAN. As I heard Senator KENNEDY describing what is out there, eventually, it reminded me of Edgar Allan Poe in ''The Pit and the Pendulum,'' as the arc of the blade swung closer and closer to the object. I just wanted to state that. It was a great iteration that came over me—the blade swinging back and forth, and eventually it will hit, and we will have to do what we always do here, which is sometimes difficult. It is called vote. And that is a time to come.

So with that, I urge the adoption of amendment No. 3726.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. Mr. President, we were just trying to follow the numbers. We had a series of amendments. Could the Senator just restate that amendment number.

Mr. SIMPSON. That is the pilot program, originally Simpson No. 2.

Mr. KENNEDY. I appreciate that.

I urge support of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3726) was agreed to.

AMENDMENT NO. 3727 TO AMENDMENT NO. 3725

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3727 to amendment No. 3725.

Mr. SIMPSON. 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 the last word in the pending amendment and insert: ''act (8 U.S.C. 110(a)(15)

''SEC. . FALSE CLAIMS OF U.S. CITIZENSHIP.

''(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by

adding at the end the following new subparagraph:

'(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.'; and

''(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.'.''.

Mr. SIMPSON. Mr. President, this amendment, which was the original Simpson amendment No. 3, creates a new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Mr. President, this amendment would add a new section to the bill. This is repetitive of remarks when we began the legislation, but this section would create a new ground of exclusion and of deportation for falsely representing oneself as a U.S. citizen.

This amendment is a complement to another one I am proposing. The other amendment would modify the bill section providing for pilot projects on systems to verify work authorization and eligibility to apply for public assistance.

One of the requirements of that other amendment is that the Attorney General conduct certain specific pilot projects including one in which employers would be required to verify the immigration status of aliens but not persons claiming to be citizens. Such persons would be required only to attest to being citizens. That came up in debate in the markup in the Judiciary Committee, that Americans, U.S. citizens, should not have to do some of the things that we require of others, and so there would be an attest provision.

Obviously, the major weakness in any such system as that is the potential for false claims of citizenship. That is why I am offering the present amendment, which would create a major new disincentive for falsely claiming U.S. citizenship. Lawful, permanent resident aliens who falsely claim citizenship risk deportation and being permanently barred from entering the United States of America. Since they are authorized to work, they would have little reason to make a false claim of citizenship.

Illegal aliens, on the other hand, would know that they could not be verified if they admitted to being aliens and the verification process was conducted; yet they would also know that if they falsely claimed to be citizens and were caught, they could be deported and permanently barred. Thus, the risk involved in making false claims would be high for them, too, under such a pilot project if the present amendment were enacted into law.

Therefore, if this amendment were enacted, and the pilot project involving citizenship attestation were conducted, a significant number even of illegal aliens might well be deterred from seeking jobs in the United States.

That is the purpose of the amendment.

Mr. KENNEDY. Mr. President, the Senator has made a very clear statement on the substance of the legislation. It is, I think, an important addition to the effort that we are undertaking to try and control illegal immigration, and I think it is very worthwhile. I hope the Senate will support it.

The PRESIDING OFFICER. Is there further debate on the amendment No. 3727?

Mr. SIMPSON. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3727) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3728 TO AMENDMENT NO. 3725

(Purpose: To criminalize voting by aliens for candidates for a Federal office, and to make unlawful voting a ground for exclusion and deportation)

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk report the amendment.

The assistant legislative clerk read as follows.

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3728 to amendment No. 3725.

Mr. SIMPSON. 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 last word in the amendment and insert: ''deportable.

''SEC. . VOTING BY ALIENS.

''(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

'§611. Voting by aliens

'(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

'(1) the election is held partly for some other purpose;

'(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

'(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.'

'(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both.';

''(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.'; and

''(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.'.''.

Mr. SIMPSON. Mr. President, this is the amendment to criminalize voting by aliens in Federal elections and make unlawful voting a ground for exclusion and deportation. That is what this amendment is. This is the original Simpson No. 4.

This amendment has three parts. It has been changed from the discussion that we had in the markup of this particular amendment. First, the amendment would create a criminal penalty for voting by aliens in any Federal election.

Please note that this new criminal offense would cover only Federal elections, unlike the provision that was in the original version of the bill and that was deleted at the committee markup, because you will recall there was debate and discussion as to what that would do in a school board election or county commissioner election, and certainly those States should have the options to control that. That is the substance of this amendment.

This new offense would be a misdemeanor. It is not a felony. It would be a misdemeanor.

An alien who voted in any election, who voted solely or in part electing a candidate for President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia or resident commissioner, would be punishable by up to 6 months in prison and a $1,000 fine—not a felony.

The second part of the amendment would create a ground of exclusion for aliens who have unlawfully voted in any election, Federal, State, or local, in violation of a Federal, State or local constitutional provision, statute, ordinance, or regulation.

And, third, the amendment would create a ground of deportation for such unlawful voting by an alien.

This amendment would help to guarantee that a majority of citizens of the United States, those who owe their full political allegiance to this country, retain political control of every political unit and every political issue.

If aliens are allowed to vote, it becomes quite possible that a relatively small group of citizens in a particular jurisdiction could outvote a citizen

majority, if the group had enough noncitizen allies. I do not feel that that is acceptable. That is not consistent with the form of government that the Founding Fathers believed to be a fundamental right of the American people.

I have not covered State or local elections in the criminal offense provision, in the provision I just described, because of the objections of some Members who believe, and sincerely believe—as I believe my friend from Illinois indeed believes—that a temporary majority of citizens in a local jurisdiction or a State should be able to authorize voting by aliens. They believe this, despite the fact that if aliens are once given the right to vote in a jurisdiction, it might be difficult or nigh impossible for a majority of citizens in that jurisdiction to reverse the decision later.

However, my amendment also creates new grounds of exclusion and deportation for voting, if it is unlawful. It applies to any election. Therefore, there would be an additional disincentive for aliens to vote if there is a law prohibiting them from doing so.

During the markup and subsequently, some have raised the issue of constitutionality of this prohibition. At this time, just may I say a few words about that issue of constitutionality. A doubt has been expressed about whether Congress has the authority to prohibit voting by aliens. I believe that view is unfounded. There are several constitutional grounds for this authority, including the plenary power of Congress over immigration matters, which has been referred to so many times over the years by the U.S. Supreme Court and also the clause that guarantees what is called a republican form of government. That standard to be applied is a ''rational relationship to a legitimate Federal Government purpose.''

So, obviously, enforcing the immigration laws of the United States and, in particular, the naturalization laws—the requirements and procedures an alien must follow to become a naturalized U.S. citizen is a legitimate Federal Government purpose. Indeed, immigration and naturalization is, along with national defense, the most fundamental of the Federal Government's responsibilities. That is undoubtedly why the Supreme Court has made such extraordinary statements over the years, about just how plenary—''plenary'' meaning complete and absolutely—how plenary that power is.

Just one example, quote from the case of Oceanic Steam Navigation Co. versus Stranahan, and then quoted later with approval in Fiallo versus Bell and Kleindienst versus Mandel:

> Over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.

The encouragement of naturalization has been explicitly recognized by the Supreme Court as a legitimate purpose of Federal actions favoring citizens. That was the case of Hampton versus Mow Sun Wong.

So the prohibition of voting by aliens in Federal elections only would clearly be rationally related to a purpose encouraging naturalization, which is, as I say, one of the premium subjects in the legislative power of Congress. So that is the extent of the amendment and my explanation of the amendment.

Further debate?

The PRESIDING OFFICER (Mr. FRIST). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we support this legislation. I want to make sure this does not displace what we have already agreed to in the motor-voter legislation, which also deals with fraudulent elections, and where the penalty is somewhat larger. As I understand, this would apply in the Federal, as compared to the participation in local or State, elections. At least I am informed by the Justice Department that they, too, would feel illegal voting in a Federal election could be prosecuted under the Federal law. I am glad to accept this measure, or urge the measure be accepted. We can work this thing through to clarify it, perhaps, on our way to the conference.

We want to do what the Senator has rightfully pointed out is necessary to be done, in ways that are not going to minimize other provisions which might deal with this, also in a substantive way, that may be even more effective. I will be glad to recommend we accept this now. We can work through this and get a clearer definition as to how this interacts with motor voter. I completely agree with the Senator in terms of the objectives.

I just inquire of the Senator what his feeling would be on this.

Mr. SIMPSON. Mr. President, the concern my friend from Massachusetts expresses, and what he has pointed out as something disturbing to him, certainly is not the intent of this author, especially with regard to motor voter. There may be some things that would have to be done here, because I believe in motor voter we had a criminal penalty when we passed that legislation. So I will just leave it in good faith, as we have done for 17 years, with the Senator from Massachusetts to work that out.

Mr. KENNEDY. That is fine.

Mr. SIMPSON. And be certain the things that cause him concern are not anything that I am intending to do in this amendment. We can work that out.

Mr. KENNEDY. Yes, Mr. President, I think we might as well move ahead. I think we are absolutely—and the Senate would be—in accord with the description by the Senator. I urge we accept it. We will review those measures together to make sure we are consistent with what both the Senator wants to do and any other potential inconsistencies in current law.

Mr. SIMPSON. Mr. President, I appreciate that. My amendment is not intended to supersede the present prohibition on unlawful voting. I make that assurance once again. I therefore urge the adoption of the amendment under those conditions.

The PRESIDING OFFICER. If there is no further debate, the question is agreeing to amendment numbered 3728.

The amendment (No. 3728) was agreed to.

AMENDMENT NO. 3729 TO AMENDMENT NO. 3725

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3729 to amendment No. 3725.

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

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

The amendment is as follows:

> Strike all after the last word and insert the following: ''deportable
>
> **''SEC. . USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.**
>
> ''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—
>
> ''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and
>
> ''(2) by inserting before the semicolon at the end of clause (ii) the following: ': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';
>
> ''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:
>
> '(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.'; and
>
> ''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is

amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

Mr. SIMPSON. Mr. President, this is in essence Simpson No. 1 which we discussed the other day when we began our debate on this issue. There is a minor change, of course, to accomplish one thing so that we can address it here since it is the original underlying anchor on the procedural aspects of where we are at this moment.

So the purpose of the amendment—again, it is a bit repetitive from our discussion when we proceeded with this legislation originally—this is an issue brought to us by Senator FEINSTEIN. I want to say at this moment that I have received a tremendous amount of support and assistance from Senator FEINSTEIN. She, of course, represents a State that is most powerfully affected by everything that is happening today and everything that is happening tomorrow with regard to illegal immigration and legal immigration. So I say that I am deeply appreciative of her and her staff who have worked with my staff on many issues.

These children who are involved here are described as parachute kids. And that is a concern. This amendment is intended to prevent foreign students coming to the United States to obtain a free taxpayer-financed education at a public elementary, secondary school. This is a growing problem of children who come to the United States, stay with friends or relatives, or even strangers, to whom they pay a fee, and attending public schools then as residents of the school district.

This amendment prohibits consular officers from issuing visas for attendance at such public schools or the INS from approving such cases unless the foreign student can demonstrate that he or she would reimburse the public elementary or secondary school for the full unsubsidized per capita cost of providing such education or unless the school waives reimbursement.

The amendment also provides for the exclusion and deportation of students who are admitted to attend private elementary or secondary schools but who do not remain enrolled then at the private school for the duration of their elementary or secondary study in the United States. The purpose here is designed to prevent students from obtaining admission to a private school, which they often do, and then switching to a taxpayer-funded public school soon after arrival in the United States.

The amendment would not prevent these children who are validly in the United States as dependents of persons lawfully residing here from applying for admission to public schools nor would it prevent public schools hosting foreign exchange students. We do not want to intrude on that wonderful program, those who would continue to be admitted as exchange visitors on J visas.

The amendment is, however, designed to deal specifically with the problem of the parachute kids which has received some attention and certainly in California and in other locations, those who come here to receive a U.S. education at taxpayer expense.

That is the conclusion of my remarks with regard to the amendment. I look forward to further debate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this has been a phenomenon that has developed in very recent years. It is now becoming more frequently utilized to the disadvantage of taxpayers in these local communities. The Senator has made an excellent presentation. It is increasingly a problem. We ought to address it. This particular proposal does address it. I hope, for the reasons that have been outlined earlier, that the amendment will be accepted.

Mr. SIMPSON. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3729 to amendment No. 3725.

The amendment (No. 3729) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

AMENDMENT NO. 3730 TO AMENDMENT NO. 3725

(Purpose: To repeal the ban on the search of open-fields by employees of the INS when they have probable cause to believe an illegal act has occurred)

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes amendment numbered 3730 to amendment No. 3725.

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

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

The amendment is as follows:

Strike all after the last word in the amendment and insert: ''enactment

''SEC. . OPEN–FIELD SEARCHES.

''(a) REPEAL.—Section 116 of Public Law 99–603 and section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) are repealed.

''(b) REDESIGNATION OF PROVISION.—Subsection (f) of section 287 of that Act is redesignated as subsection (e) of that section.''

Mr. SIMPSON. Mr. President, this is not one that will pass by voice vote. We will require a rollcall vote on this issue. It is and always has been contentious. This is the original Simpson amendment No. 8 which is to repeal the current ban on open field searches. Therefore, any staff watching these proceedings at this moment will have immediately pressed a button, and the ejection device will propel their principal here to the floor to proceed with vigorous, vigorous debate on this issue. But this one, like all, up or down, and then move on.

But here is where we are, ladies and gentlemen. Do not miss the impact of this. This happened back in the days of putting together the original legislation and what you want to recall is that no other U.S. law enforcement agency—none—except the Immigration and Naturalization Service requires a warrant, a search warrant, to enter and/or search open agricultural farmland. No other agency of enforcement in the United States is required to do that. That requirement that the INS agents obtain a warrant for such a search was placed in the law in 1986 by what I refer to as an unholy alliance between the agricultural growers and the ACLU. You really will not find the ACLU and the agricultural growers in the same sack very often.

All other law enforcement agents—that is a DEA agent, a local police officer, even a local sheriff—can, without a warrant, and if they have probable cause, search an open field for drugs or for a dead body. INS officers alone are prohibited by law from entering a field to enforce immigration laws. Of course, the effect of this requirement is to make it extremely difficult to enforce our laws against the employment of illegal agricultural workers. There are tremendous abuses in that field.

A further effect is to make it safer—that is the word—for employers to use illegal workers, at a time when the experts tell us that there are more than 1 million American agricultural workers that could perform that work. The present ban on open field searches, in other words, then protects those who hire illegal workers. That helps to deny those jobs to American workers. As a result, up to 40 percent of the agricultural workers on the west coast are illegal aliens.

One of our Nation's most noted immigration experts, Prof. Barry Fuchs of Brandeis University, and the executive director, Rev. Ted Hesburgh, Select Committee on Immigration Policy and a member of the current Commission on Immigration Reform, has specifically recommended to us that a

high priority be placed on repealing the ban on open field searches. Professor Fuchs has noted that the ban has taken away an ''important enforcement tool of the INS.''

I hope we might listen to the words of our friend, Larry Fuchs. He is our friend. Senator KENNEDY has known him longer than I. Larry Fuchs is a remarkable resource for this country on legal and illegal immigration reform.

As I have indicated in the past, Senator KENNEDY and I were both original Members of the U.S. Senate on the Select Commission on Immigration Refugee Policy, chaired so ably by Father Ted Hesburgh, who was an inspiration to us and who is, to this day, one of the most remarkable people in this land and a loving friend.

We should heed the words of Professor Fuchs. Proponents of the requirement—and you will hear that argument coming forth momentarily—proponents of the requirement for warrants argue that it prevents INS officers from entering an open field simply because those who are working there ''look Hispanic.'' That argument ignores the fact that seeing workers who look Hispanic is not probable cause. That is not probable cause for a search. You cannot use that argument in that sense in any way. Entering a field for that purpose, that particular purpose, would be illegal, even if search warrants were not required. I think that is a very important distinction. I hope we will hold closely as we debate this issue.

The American public wants us to enforce our laws against illegal immigration. The case is even stronger when, by doing so, we would be making jobs available to hundreds of thousands of U.S. agricultural workers, and there are hundreds of thousands of U.S. agricultural workers.

Even though this is not quite ancillary to the debate, I was fascinated in my work in this field many years ago to find out what happens when they go to the open field. Some agriculture employers back then—not now, I do not know what the situation may be now—but they were often putting some expendable people next to the highway with el émigrés and the green truck came by so that there would be someone to pick up, and then when all of that took place there was another rank in the foothills who would come down and be ready to go right back to work again.

Further, way up in the foothills where we were told there were never children, never spouses, personal investigation of the select committee found obvious, obvious hovels of people who were just simply slave labor for some agricultural pursuits—pampers, diapers, cans of milk all there in the foothills.

That was, as I say, not truly on target with this, but let me tell you there is no reason in the world why the INS should be the only Agency of the Federal Government that cannot do a search with a search warrant in an open field. And to say, then, the target would simply be to target people who ''look Hispanic'' so you can add a racist touch to the argument, it will not sell, because if that was the only reason you would not get the search warrant. That is not probable cause.

With that initial volley on this contentious issue, I look forward to the debate.

Mr. KENNEDY. Mr. President, I intend to speak on this issue. I saw my friend and colleague from California, Senator BOXER, who had wanted to address the underlying issue briefly, has been waiting here for some period of time. If she can be recognized, I will come back to address this amendment before the Senate.

The PRESIDING OFFICER (Mr. GREGG). The Senator from California.

Mrs. BOXER. Thank you, I say to both my friends who are managing this bill, Senator SIMPSON and Senator KENNEDY, who have been so helpful to me as I work on a couple of amendments that I hope will be accepted, which I will talk about briefly.

Mr. President, I am pleased to be here today to speak about an issue that profoundly impacts my State of California. That issue is illegal immigration. I know that there has been a big debate in the Senate committee of jurisdiction over whether we should blend in the issues of legal and illegal immigration.

I want to restate and reaffirm my position that I hope they will be handled separately. I know that Chairman SIMPSON, who has worked so hard, would prefer to combine these two issues. The reason I believe it is important to have a separate debate is that one group of people, illegal immigrants, choose to break our laws, and legal immigrants choose to follow our laws. Those are two distinct and important differences.

Mr. President, no State in the entire country receives more illegal immigrants than the State of California. Out of the approximately 300,000 illegal immigrants that come to the United States and stay each and every year, about 35 percent to 40 percent of them live in California.

Why do most illegal immigrants come to America? Clearly, it is to find work. They are hired because we are not fully enforcing the laws we have on the books, which make it unlawful to hire illegal immigrants. That is clear. It is against the law.

Now, it seems to me we have to do more to enforce those laws.

I have always said that in order to control the problem of illegal immigration, we need to do it at the border and at the workplace. To intercede elsewhere, in my opinion, is not particularly effective. Clearly, if you enforce the immigration laws at the border, you stop the problem immediately. If you miss that opportunity, the workplace is the next best place to go.

The bill before us that deals with the issue of illegal immigration has many provisions I very strongly support. I strongly support the provisions in title I of the bill, which strengthens law enforcement's ability to stop illegal immigration. For instance, the bill will increase the number of Border Patrol agents by 4,000 for the next 4 fiscal years—a 90-percent increase over current levels, and it is needed.

I also strongly support the bill's provisions to add up to 900 new INS investigators over the next 3 fiscal years to enforce the laws against alien smuggling and the unlawful employment of illegal immigrants. This increase of 900 new INS investigators is a 100-percent increase over current law. So, clearly, this bill is moving us in the right direction in regard to stopping illegal immigration at the border and the workplace.

I want to take an opportunity to thank and compliment the Clinton administration for getting serious about enforcement at the Southwest border. It is long overdue. We have had protestations from detractors of this administration that they do not do enough. The fact is that this is the first administration to do anything about illegal immigration.

Let me repeat that. The Clinton administration is the first administration to do anything about illegal immigration. Whether it is to begin to reimburse the States for the costs they have to bear, which are outrageous—costs for emergency medical care, costs for putting those criminal aliens into prison—we are finally beginning to see some reimbursement here. However, it is not enough, and we need to do more.

I compliment the leaders of this bill because there is an authorization in there for full reimbursement for the costs of providing emergency medical assistance to illegal immigrants.

We have also seen an increase in the National Guard at the border. Their presence relieves Border Patrol agents from desk jobs, and their work on such things as building fences and roads and repairing sensors and night scopes is very important.

At the time that I recommended bringing more National Guard to the border, the National Guard at that time was about 145 in San Diego. Now they number up to 400. So we see that there has been an increase in National Guard at the border, doing such things as relieving the Border Patrol of desk jobs and these other engineering jobs that I have outlined for you.

When I first injected more National Guard presence, people thought I was going to send them down to the border in uniform with weaponry. That was never the point. We said it is a resource that ought to be used, and I think we ought to use them more.

In 1994, the Immigration and Naturalization Service kicked off Operation Gatekeeper, its initiative along California's border with Mexico. In the last 2 fiscal years, we have seen an increase of 500 Border Patrol agents in San Diego.

So we see that this administration is moving forward. But this bill is very necessary and gives us more resources at the border than we have had up until now, and, I might add, more technology and equipment that we need at the border—equipment such as infrared scopes, sensors, automated fingerprint ID systems. INS will be installing a new radio network in San Diego to handle encrypted voice communication, and that is very important.

As I said before, we have to stop illegal immigration at the border, and if we fail there, at the workplace. I think we have to remember that that is why illegal immigrants come here—for work.

Now, how badly are our wage and hour laws being violated? We only have to look at the case of the sweatshop uncovered in El Monte, CA, to get an idea. In El Monte, alien smugglers brought in 72 foreign workers from Thailand, where they were subsequently forced into involuntary servitude at a garment sweatshop. We thought we saw the end of that in the pre-Depression era. The El Monte case is an extreme example, but it is not an isolated incident.

Mr. President, most employers in our country abide by our immigration and our labor laws, but, unfortunately, some choose not to, and they are undermining our laws and the wages of our workers as well. They are guilty of the lowest form of greed—human exploitation—and it must be stopped.

It is well known that employers engaging in wage and hour law violations are often the same ones who hire illegal workers. I am very pleased that the bill before us provides for 350 new wage and hour investigators at the Department of Labor over the next 2 fiscal years to enforce the existing employer sanctions we already have on the books. The bill also contains enhanced civil penalties for repeated or willful violations of our Federal labor laws, which I strongly support.

I am disappointed that the committee voted to delete provisions to increase the sanctions on employers who violate immigration laws. I am disappointed about that. But I am glad that there are enhanced penalties for those who violate Federal labor laws.

Now, I think it is important that we give employers a better tool so they can identify who is legal and who is not. The bill before us moves us forward toward worker verification. I have always opposed a national ID card because I think if someone is walking in the street, they should never be stopped and asked to show an ID card. But when they go for a job, right now it is virtually impossible for employers to verify whether they are legal or not. I think the approach taken in this bill is a good one, and I hope it will be part of the bill when it leaves this Chamber.

I also think it is important that the bill authorizes an increase of 300 new investigators at INS to go after the visa overstayers, because so many of our illegal immigrants are those who overstay their visa. So that is excellent.

I have long supported cracking down on those who manufacture and use fraudulent documents. The last time I had a chance, on the crime bill, I offered an amendment that increased the penalties on those who manufacture forged documents. But I think we need to do more, and this bill does go further to increase civil and criminal penalties for crimes involving document fraud.

I want to take just a moment to talk about a problem we are seeing in California now more and more, where smugglers are driving vehicles crashed through a checkpoint and lead local law enforcement on high-speed chases. We all know what happened nationally when we saw one case where there was apparent overreaction from the police and use of excessive force—that is what it appears to be.

But the fact of the matter is, we have to stop that kind of recklessness, driving on a 60-, 70-mile chase where you endanger the lives of the police following you and you endanger the lives of those people you are smuggling. Following that case when force was used, we had seven illegal immigrants killed, who fell over a cliff when the smuggling attempt led to disaster.

So, I was very surprised to see that there are no Federal penalties for such reckless behavior. What I am offering, and what Senator SIMPSON and Senator KENNEDY are working with me on, is a Federal penalty for those who crash through a Federal checkpoint and, in fact, do not stop.

We want to make sure there is a Federal penalty of 5 years in prison for those who do that, and perhaps—we are working with Senator SIMPSON on this—an even tougher penalty where those people could be deported. Because anyone who would lead law enforcement on a high-speed chase not only endangering the police officers themselves but also the cargo they are carrying—by that I mean human cargo—and all the drivers on the road, they deserve to be thrown in jail or deported.

I also want to briefly touch on an amendment that I am cosponsoring with Senator FEINSTEIN which deals with the triple fence authorized in the bill. I will not go into all of the details in the interest of time. But we feel that the Border Patrol could do better if we did not dictate exactly that a $12 million fence should be built, or inhibit their ability to design fencing in the way they want and to use some of the money for other needed infrastructure improvements. Moreover, we certainly do not want to force law enforcement to build a triple fence if they feel it would endanger their lives. And that is what they have told us.

Mr. President, I am pleased to be here today to speak about an issue that profoundly impacts the State of California. That issue is illegal immigration.

And before I go any further, I want to reaffirm my position that legal and illegal immigration must be treated separately. I know that Chairman SIMPSON, who has worked very hard on the issue of immigration, would prefer to link these two issues together.

However, I believe having a separate debate on the two issues will better ensure that Congress recognizes the critical difference between those illegal immigrants who choose to break our laws, and those legal immigrants who choose to follow them.

Mr. President, no State in the entire country receives more illegal immigrants than California. Out of the approximately 300,000 illegal immigrants that come to the United States and stay every year, about 35 to 40 percent of them live in California.

Why do they come here? Most of them come to find work. And they are hired because we are not enforcing the laws we have on the books which make it unlawful to hire illegal immigrants. That must change.

I have always said that in order to control the problem of illegal immigration, we need to do it at the border and the workplace. To intercede elsewhere, in my opinion, is not effective.

The bill before us today is S. 1664, the Immigration Control and Financial Responsibility Act of 1996. The bill contains many provisions which are praiseworthy. I strongly support the provisions in title I of the bill which strengthen law enforcement's abilities to stop illegal immigration. For instance, the bill would increase the number of Border Patrol agents by 4,000 for the next 4 fiscal years—a 90-percent increase over current levels.

I also strongly support the bill's provisions to add up to 900 new INS investigators to enforce the laws against alien smuggling and the unlawful employment of illegal immigrants. This is an increase of about 100 percent over current law.

I want to take this opportunity to compliment the Clinton administration for getting serious about enforcement at the Southwest border. It is about time and long overdue, for despite protestations from detractors of this administration in California—this is the first administration to do anything about illegal immigration.

And we have seen an increase in the National Guard at the border. Their presence relieves Border Patrol agents from desk jobs, and their work on such things as building fences and roads, and repairing sensors and night scopes. At the time I recommended bringing more National Guard at the border, they numbered 145 at the San Diego border. Now they number as high as 400.

In 1994, the Immigration and Naturalization Service [INS] kicked off Operation Gatekeeper—its initiative along California's border with Mexico. In the last 2 fiscal years, we have seen an increase of 1,150 border patrol agents nationally—more than 500 of

whom have been deployed in San Diego.

Counting the 800 new Border Patrol agents for this fiscal year, the Border Patrol force will have been increased by 40 percent since the Clinton administration took over. California now has over 1,500 Border Patrol agents patrolling our border and enforcing our immigration laws.

But as we all know, Mr. President, any smart strategy to regain control of our borders will take heightened technology which is being used in Operation Gatekeeper. Infrared scopes, low-light-level television systems, and ground sensors are all being used to enhance our effectiveness at the border. San Diego has been the recipient of new infrared scopes, sensors, and a new automated fingerprint identification system. INS will be installing a new radio network in San Diego to handle encrypted voice communication.

And we cannot forget why most illegal immigrants come here in the first place: work. How badly are our wage and hour laws being violated? We only have to look at the case of the sweatshop uncovered in El Monte, CA, to get an idea. In El Monte, alien smugglers brought in 72 foreign workers from Thailand where they were subsequently forced into involuntary servitude at a garment sweatshop. The El Monte case is an extreme example. But it is not an isolated incident.

Mr. President, most employers in our country abide by our immigration and labor laws. However, those who choose not to, not only undermine our laws, but the wages of American workers as well. They are guilty of the lowest form of greed—human exploitation. It must be stopped.

It is well-known that employers engaging in wage and hour law violations are often the same ones who hire illegal workers. I am pleased that the bill before us provides for 350 new wage and hour investigators at the Department of Labor over the next 2 fiscal years to enforce the existing employer sanctions we already have on the books.

Furthermore, the bill contains enhanced civil penalties for repeated or willful violations of our Federal labor laws, which I strongly support. However, I am deeply disappointed that the committee voted to delete provisions to increase the sanctions on employers who violate immigration laws.

Of course it is imperative for employers to better ascertain who is authorized to work, and who is not. The bill before us moves us toward improved verification for work and public benefits through the creation of several regional or local demonstration projects.

After the pilots have been tested, the administration will be required to return to Congress to make a recommendation on a permanent system. Implementation of a recommended system will require congressional action. The approach contained in the bill will allow Congress to review which methods of verification are the most effective before enacting a larger scale system.

I support the privacy protections contained in the bill to provide balance as we move toward a national verification system. I am further pleased that the bill explicitly prohibits a national ID card which I oppose.

It is important to have a foolproof method to ensure a potential employee is legal—I believe it would be dangerous to put in place a system where someone walking down the street could be stopped and asked for their papers. That situation would infringe on our lives.

A key fact of illegal immigration which often is overlooked is that approximately half of the illegal aliens currently in our country entered legally and overstayed their visas. This bill authorizes an increase of 300 new investigators at INS to go after these visa overstayers. I support this.

Mr. President, I strongly support the provisions in the bill to increase penalties on alien smugglers and those committing document fraud. I have long supported cracking down on those who manufacture and use fraudulent documents. When I toured the California-Mexico border with Attorney General Reno and Senator FEINSTEIN, we met with INS agents who told us it was key to beef up penalties for document forgery. Thousands of illegal immigrants each year use these documents to enter the United States illegally or continue to stay and work here illegally.

In the 1994 crime bill, I proposed an amendment to double the criminal penalties for forgers and distributors of fraudulent documents. These heightened penalties passed and are now law.

The provisions contained in S. 1664 go even further to increase criminal and civil penalties for crimes involving document fraud. We must send a message to these wrongdoers that we will not tolerate those who flout our immigration and criminal laws. These tougher penalties should serve as an effective deterrent to such actions.

For instance, for fraudulent use of government-issued documents, the bill increases the maximum fine from $250,000 to $500,000, and the maximum criminal sentence from 5 years to 15 years.

I would like to take a minute to specifically discuss alien smuggling. Recent incidents involving alien smugglers have received considerable press attention. The beating of two illegal immigrants after a 80-mile chase ending in El Monte put a face on the human cargo being brought into our country by alien smugglers.

Recently in California, 7 people were killed and 19 injured when a pickup carrying immigrants being smuggled into the country skidded, flipped over, and plunged off a rural road west of Temecula while being followed by Border Patrol agents. We must stop such occurrences.

S. 1664 stiffens criminal penalties for alien smuggling. The bill also contains provisions to expand the Federal Government's ability to pursue alien smugglers through expansion of the RICO [Racketeer Influenced and Corrupt Organizations] statute and wiretap authority.

I plan to offer an amendment to provide a new, tough Federal penalty on those who flee border checkpoints, creating dangerous high-speed chases. My amendment would provide a Federal penalty of imprisonment of up to 5 years. I am working with Senator SIMPSON and Senator KENNEDY and hope this amendment will be accepted.

Alien smugglers do deserve to be punished. They take advantage of people in desperate situations—often threatening their safety and potentially those of hundreds who could be exposed to them. We must make every effort to ensure that such tragedies do not continue to occur.

One concern I have with the bill relates to the authorization of a 14-mile triple fence for the 14 miles eastward of the Pacific Ocean in San Diego. Let me be clear about one thing: I support fencing and reinforcement of physical barriers along the border. But when the Border Patrol itself says these provisions would endanger the physical safety of their personnel, I think we should defer to their expertise.

Along with the INS, the Border Patrol points to the tactical and logistical problems of a contiguous triple fence. They also raise concerns about alien smugglers taking advantage of the triple fence configuration to ambush Border Patrol agents.

That is why I am cosponsoring an amendment with Senator FEINSTEIN to put the $12 million authorized for the triple fence toward needed border infrastructure improvements—including construction of all-weather roads, low-light television systems, lighting, sensors, and multiple fencing where it makes sense to do so.

Title II of the bill addresses immigrant—legal and illegal—use of public benefits. Illegal immigrants are largely ineligible for public welfare benefits. Where they are eligible, I support full Federal reimbursement for any resulting costs to States and localities.

The bill sets out the general prohibition barring illegal immigrants from receiving public benefits but exempts a limited number of services. In fiscal year 1994, the General Accounting Office estimated that the cost of providing elementary and secondary education, emergency Medicaid, and incarceration of alien felons was $2.35 billion for my State of California.

Immigration is a Federal responsibility. However, until this administration, California had not received any reimbursement for its costs resulting from illegal immigration. Today, California is receiving reimbursement for its costs of incarcerating criminal aliens under the State Criminal Alien Assistance Program. And while the crime bill authorized $1.7 billion to reimburse these costs, California has yet to receive full repayment.

I want to commend the chairman for including an authorization to fully reimburse States and localities for emergency medical services provided to illegal immigrants. Right now, the Federal Government pays half of this cost and the remainder is borne by the State. In California, this amounted to a cost for California of $395 million in fiscal year 1994. I strongly support reimbursement for these costs.

With respect to benefits for legal immigrants, I support strengthening the responsibility of sponsors. That is why I agree we must make affidavits of support signed by sponsors legally enforceable. Individuals who want to sponsor a family member must not shirk their responsibilities to the immigrant once they arrive.

By making the affidavits legally enforceable, the agency providing assistance to a needy legal immigrant has the ability to be repaid for their costs. This approach makes sense.

As a final note, Mr. President, I want to briefly discuss the importance of naturalization. Naturalization—the process by which a legal immigrant is granted the full rights and responsibilities of citizenship—represents the final step in a journey toward the American dream, a journey played by the rules.

The latest surge in naturalization applications submitted is nowhere more evident than in California. In fiscal year 1995, over 380,000 eligible legal immigrants applied to naturalize in California. This is a 500 percent increase over the totals for fiscal year 1991.

I am pleased that we now have a leader at INS who is doing something about it. Under Commissioner Doris Meissner, INS has been actively attempting to meet the latest surge in naturalization through its initiative, Citizenship USA. I commend Commissioner Meissner for the agency's efforts to put the ''N'' back in INS.

However, an immigrant who has already waited for at least 5 years to become eligible to naturalize can wait for an additional 12 to 16 months in cities like San Francisco and San Jose, CA, for their application to be processed because of enormous increases in demand.

We owe it to those who patiently follow the rules to do better.

Mr. President, I plan to offer an amendment to create demonstration projects around the country that set up citizen swearing-in ceremonies around July 4. The amendment which passed the House, authored by Congressman SAM FARR, would authorize INS to use the fees it already collects to fund the minimal additional costs of holding these symbolic ceremonies for 500 people.

Under the amendment, 10 demonstration projects would be authorized each year for 5 years. The demonstration projects would enable INS to reach out to local communities to encourage their involvement in the celebration of citizenship. The swearing-in ceremonies would be a communitywide celebration reminding citizens why we are proud to be Americans.

Mr. President, I am committed to those who want to follow the rules and become full participants in American society. Earlier this month, I introduced S. 1677, the Citizenship Promotion Act.

My bill would establish a Citizenship Promotion Agency [CPA] within INS to assist eligible immigrants with naturalization. The CPA would be able to work with government agencies as well as nonprofit organizations to assist in its naturalization outreach obligations.

My bill would also create a nine-member National Advisory Board on Citizenship to advise on naturalization objectives. And finally, my legislation would establish a naturalization examinations fee account within the U.S. Treasury to ensure that naturalization fees are spent on naturalization—not redirected elsewhere. Such naturalization activities could include English language instruction for immigrants trying to become citizens.

In closing, I would like to reiterate my support for many of the provisions in the illegal immigration bill. I look forward to working with both Chairman SIMPSON and Senator KENNEDY in making further improvements to this legislation. Thank you.

I will close by saying this. I said at the outset that there is a real difference between illegal immigration and legal immigration. My own mother became a naturalized citizen in 1937. When she died in 1991, she left me a very special little pouch that had two things in it: Her wedding band and her certificate of naturalization. I think Americans understand how much naturalized citizens cherish this homeland.

Therefore, I am working with Senator SIMPSON and Senator KENNEDY to get an amendment adopted which would recognize the beauty of those naturalization ceremonies. And I pick up on an amendment that passed overwhelmingly in the House that would give some modest sums of money to conduct those naturalization ceremonies. We want to put the ''N'' back into the INS—''naturalization.'' It is a beautiful ceremony, and those are some of our finest citizens.

I could give you the list of some of those naturalized citizens. But I think you all know how many of our wonderful leaders in this country in entertainment, in politics, and in all fields are naturalized citizens.

So I want to thank the Senator from Massachusetts for yielding me so generously of his time. I feel this is such an important issue to my State. I wanted to have this opportunity to compliment my friends who have led on this bill, for what they have done, and I hope to be able to support it.

Again, I thank you very much, Mr. President.

I yield the floor.

Mr. KENNEDY. Mr. President, I see a number of our colleagues who have been very interested in this issue that would like to speak to it. I will respond at an appropriate time after they speak to the current amendment—to the Simpson amendment.

But I want to just point out to the Members about where we are. The parliamentary situation effectively excludes the opportunity for recognition of the minority, the Democratic manager of this legislation. Under the right of recognition it always goes to the majority as the time-honored tradition, and we understand that and respect that. But given the parliamentary situation we are effectively denied on our side any Member offering an amendment. I mean, with respect to the processing of amendments, we are at the point now where we are processing nongermane amendments because eventually at some time we will move toward cloture. By beginning to understand what the situation is we will dispose of various amendments that apparently are agreeable to the floor managers prior to the time that a cloture petition is put down which will exclude any chance of other Members to come back in here and offer any amendments. That is an extraordinary process and procedure.

We have to ask ourselves about how long we really want to put up with that. I have been trying as a matter of comity in working with the Senator from Wyoming to move through this in a way which permits us to try to deal with some of the basic substantive issues. But we, as the time moves on, are caught in this particular situation. We are effectively dealing, and only dealing, with the amendments represented by the majority, and we are precluded under this whole process of offering any amendments.

This is not a personal comment on my good friend, the Senator from Wyoming, because he is responding to the wishes of the majority leader in this case. And the matters that he is raising here are matters that have been raised in the Judiciary Committee, matters which he had indicated to us that during the course of the debate he was going to raise, and matters which are of very fundamental importance in terms of the substance of the issue.

But we are still in a situation where we are being told we can only—the Senate of the United States on an important piece of legislation like this can only—deal with those amendments that are put forward by the manager of the bill because under the right of recognition he gets it. If there are other Members that want to have amendments considered they would go to him. If he thinks that he may support them, I imagine he will put them forward. And, if he does not, he will not.

So we are in a situation where we have effectively a very small gate. My good friend and colleague—again I say with deference to him—because he has always, as I have stated on every occasion, been entirely up front and entirely fair in dealing with all the members of the committee, Republicans and

Democrats alike. But he is caught in this position was well.

So it does seem to me that our colleagues ought to understand that effectively we have a clearance system here that unless an amendment is cleared through the acting majority leader we are being closed out. And I think the American people and our Senators ought to know that this is not a free-wheeling debate where we are going to have the opportunity for the Members who want to represent their States and their interests to be able to get recognized to be able to pursue that.

This is an extremely important amendment, and I hope we can deal with this amendment in a timely way. But at some time we are going to have to ask ourselves whether we are going to just go ahead and consider all of the nongermane amendments that come through our colleague over here and none of the nongermane amendments to be considered by other Members. Then we get into cloture, and they have taken care of those nongermane amendments. We will be just back on the germane amendments. It is a rather unusual way to proceed.

I just raise that now because there are those, myself included, who want to try to get at least some opportunity for recognition so that we would have a chance to offer at least a minimum wage amendment on this with a very short time agreement. We are effectively being closed out from that possibility. We understand that. But the other Members of the Senate ought to understand that as well. Hopefully the majority and minority leaders can bring their good common sense and judgment to help us find a way through this particular dilemma.

I will yield the floor because others want to speak. I will come back and speak to the substance of this measure. I want to again point out that the substance of this issue is enormously important. It is absolutely relevant. We ought to address it. It is extremely significant. But some time in the not-too-distant future I think we ought to have some kind of a decision about how we want to proceed.

This issue of illegal immigration is extremely important. We have supported the expansion of the border guards. We have supported the measures that Senator SIMPSON and I cosponsored—measures to try to create a more effective process for being able to identify the legitimate Americans versus illegals in the job market, which is extraordinarily important. There are other provisions as well in the illegal immigration bill which are very, very important and some which there is some difference on.

But we are in an unusual situation, and it is something that I know Members have to be concerned with as well.

Mr. SIMPSON. Mr. President, I can understand the frustration of the Senator from Massachusetts. He expressed that frustration in a very clear way. Let us then review the bidding so that we do all hear what we are doing.

We are dealing with illegal immigration. That has been the pending business before this body for over a week. The pending business of the Senate is the measure with regard to illegal immigration, which when we finish the amending process will probably pass by a rather significant vote. So if we are talking about important legislation, then surely we should be talking about this.

So what occurred here today is nothing mysterious, nothing sinister, nothing harsh. It is called legislating, and it is called using the rules of procedure, and it is done beautifully by the Democrats when they are in the majority and by the Republicans when they are in the majority.

So if we are talking about what is germane, what could be more nongermane than Social Security and an attempt to say that Social Security somehow is not to be dealt with when we do a balanced budget, when Social Security is $360 billion of the national budget.

That is what we are talking about, nothing mysterious, nothing sinister. What are we talking about that is germane about minimum wage? But there might be something very interesting and germane with minimum wage because the same people who are seeking an increase in the minimum wage are at the same time restricting efforts—some—restricting efforts to reduce the number of low-skilled immigrants who are entering under the family preference system.

I hope that we are able to divine that extraordinary difference. It is these low-skilled newcomers who flood the labor market which results then in stagnant wages. That is what happens. So this is one of the most curious parts of the entire debate to me.

I am not attributing that to Senator KENNEDY. I am attributing it to some who continue to resist the fact that we are trying to say that low-skilled persons are no longer required to come here under our immigration laws. We need people with skills. We need people with ability. We need people who are here to pull their share. We need people to come here whose sponsors say, ''When you come here, I will assure that you do not become a public charge.'' That is what we are up to here. No mystery, nothing sinister.

You asked how we could be precluded from dealing with things that are very important to Senator KENNEDY or to Senator DORGAN. The same would be my argument. I am being precluded from dealing with illegal immigration reform. And I think that we want to keep all those interesting balances before the body. That is a very important thing.

I wish to insert in the RECORD a very interesting column that was in the Washington Post in the Outlook section last Sunday about this extraordinary argument about the minimum wage and the extraordinary, remarkable flight from common sense of those who will not allow us to reduce the number of those people presently entering under the preference system.

We have a situation now with regard to naturalization, with regard to a movement toward naturalization created by the legalization of the 1986 bill, created by people who are stunned and alarmed by proposition 187 and think, boy, if they are going to treat people who are permanent resident aliens like that, I want to get naturalized. There is another movement toward that, and so you are going to have more numbers coming to the United States than you ever did before, even if we did the minimum under the ''legal immigration bill.''

And remember, there is a legal immigration bill at the desk which passed the committee by a vote of 13 to 4. That is legal immigration. There is also the illegal immigration bill, which passed the committee by a vote of 13 to 4, and that is what we are considering at the present time.

Let me assure you that if you are talking about germane and nongermane, there should be not much question, at least in the eyes of the general American public, of a certain thing which is total reality, which is sometimes difficult to attain here, that the reason we talk about them together—whether you split them or puree them is not the issue—split, whole or pureed, you do not escape the fact that over one half of the people who come here legally become the illegal aliens which are the subject of this bill.

Please hear that, I hope, and know that we are talking about people who come here, half of them who come here legally become illegal. They then go out of status with a tourist visa. They go out of status with a student visa. They then become part of the illegal community.

So those are some things, and we are not here to disrupt things but we are here to deal with the bill as we do health care, we do line-item veto, we do this and we do that, and try and proceed. If the entire exercise should end in an hour, I can assure you that it will come back at some future time, but I thank my colleagues on both sides of the aisle for at least processing four or five amendments. That is what we should be doing. There are two choices here: Be about our business on an illegal immigration bill or the leader will be required to pull up something else and the issue will simply never go away, either of the issues or all of the issues.

So I just wanted to express that with I hope some clarity, that we are moving on an illegal immigration bill with a significant amendment here at the present time.

Mr. FORD. Mr. President, will the distinguished Senator from Wyoming allow me to ask him a question?

Mr. SIMPSON. Indeed, I say to my friend from Kentucky, Mr. President.

Mr. FORD. The Senator from Wyoming understands better than most

why the minimum wage amendment is being placed here. That is about the only place we can get a chance to do it. He understands that well. And also the sense of the Senate on the balanced budget amendment, not using Social Security. He understands that question well. Could it not be worked out and taken off the bill? If a time agreement to vote on this bill—on those two questions be agreed to in 30 seconds, they would both be off the bill, would they not?

Mr. SIMPSON. Mr. President, it will be up to our leader to determine the course of business. The Senator from Kentucky and I both filled the role as assistant leader of our parties, and I think we both realize that we were somewhat muted on final decisions.

Mr. FORD. I understand that. But we do know that if the leaders would make a decision and give us the time for a stand-alone vote on it, these two items would not be on the immigration bill. And as we have seen both sides do in the past, you take an opportunity when it is presented to you. All I wish to know is if the Senator would agree that if the leaders would give us an opportunity to vote on minimum wage and the opportunity to vote on a sense of the Senate as it relates to the balanced budget, not using Social Security, that they would not be on this bill.

Mr. SIMPSON. Mr. President, I think that all of us know when we reach these sticking points in this body—and that is often—people then huddle and decide what to do. The leaders trust and admire each other and they will work together and move the legislation of the Senate. And that is the way it will always work.

On the other issue of minimum wage, I understand there are serious discussions going on about minimum wage, training wage, and getting the minimum wage to the people who do require it most and not to someone from a fine family that decided to go work in McDonald's for the summer and pretend that that is the issue of minimum wage when someone is a privileged young person who is simply in the work force.

There are real things here. For every horror story on one side, we have the horror story on the other side. That is the only way I have been able to exist in this body for 18 years.

So, for every one that is presented to us, then there is something on the other side about people who lose their jobs, employers who are on the edge and say, ''Minimum wage? I cannot do it.''

You can make fun of those people and say they should, I guess, be subsidized by the Government or something to pay the minimum wage. But the issue is, they say ''I will go broke. So, therefore, I will not do that. Or, if that is the law, I cannot do it and I'm out.'' That is an argument just as valid as the one about children and spouses and the working man, and all of those things are what the American people know and see that is what we do. And that is what we do.

So, I am going to leave the issue for resolvement to that. And know that, at this point, this procedure of filling the tree and moving forward is not a patented process by the Republican majority; it is a patented process by the Democratic majority when they are in power. It is a tool to move legislation.

We have two choices here. Pull up something else or move forward. How can anyone argue—regardless of the passion of what you want to present to the body—how can you argue about not moving forward with a very important bill, and that is what we are attempting to do. It really is not as strange as it would appear.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I agree that the points the Senator from Wyoming made are valid points which ought to be part of a debate on the minimum wage. But effectively we are being precluded from the opportunity for action and for resolution. That is all we are asking for, whether 13 million families are entitled to 30 minutes of the Senate's time so we can make a decision on the issue of the minimum wage and also the proposal of Senator DORGAN. That is really what we are asking. It is not a great deal, but in order to preclude the Senate from taking that action we are finding out that we are using the unusual—and it is unusual—process by which the only amendments we are going to debate are going to be the amendments of the Senator from Wyoming or amendments that come through the process of the Senator from Wyoming.

So this is not progress in the sense it is giving Members of the Senate an opportunity to be able to raise issues that are important. They are effectively precluded from that because they are denied the right of recognition.

So we have to press, again, and indicate at the first opportunity we are going to offer it. Eventually the opportunity is going to come, because eventually—and people ought to understand it—when the time comes, and the final amendment is either agreed to or rejected, that prior to the time there is going to be disposition or a vote on this, it is going to be open, and others will be able to offer their amendments. So it might take a little while to be able to do that. We understand that. But that will eventually be the reality on that.

Mr. SIMPSON. Mr. President, if I might.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I enjoy, obviously, the Senator from Massachusetts because he does his work with a—down there, always—a crinkle in his eye and a twinkle. I know that one. I have seen it many times. This is, really—this is theater. It is Shakespeare—minor, minor, I can assure you. It is street Shakespeare. I do it, too. I will be Lear, raging into the wind, and Senator KENNEDY will be Puck.

Let me tell you, the minimum wage, when the Democrats had the control of this body and the House of Representatives and the Presidency, never appeared in this Chamber under any scenario from the wings—not once. Not once did President Clinton ever suggest we deal with the minimum wage. And since it became something that appeared in the focus groups, or the Knight tracking polls, it has been mentioned 47 times by the President.

So it is theater. But, really, if you stay in this game long enough—and I have been legislating for 30 years and obviously love it, but I am ready to do something else—if you play with the wheel with the fanny kicker on it, it will come around and get you. Hear this from my friend, Senator Ted KENNEDY, as we dealt with the health care reform bill. The CONGRESSIONAL RECORD, April 18, 1996, page S3513, quote of my friend, Senator KENNEDY:

> Members of the Senate who are serious about insurance reform should vote against all controversial amendments—including medical savings accounts. Senator KASSEBAUM and I have agreed that we will vigorously oppose all such amendments—even those that we might support under other circumstances.

Now, with the approval of the body, I ask unanimous consent that we insert the phrase ''illegal immigration reform'' and then just adopt that, because that is exactly what I am saying.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, Senator SIMPSON may say that this is theater, but it has dramatic results, by our action or inaction, for the 13 million families that would be affected about whether we are going to address the increase in the minimum wage, No. 1.

No. 2, the Senator, by mentioning the health care debate, understands—or should understand or may understand after this—that the increase in the minimum wage was deferred at that time because the impact and the effect on the hourly worker was considered to be a 40-cent to 50-cent increase as a result of a health care system. Those of us who had responsibility in that asked the workers do they want us to fight for an increase in the minimum wage, or do they want us to try and fight for health care, and overwhelmingly they said health care. We know it is 40 to 50 cents an hour. That was the battle. That was the battle then.

So the idea that we did not bring it up then—we did not bring it up then because we were fighting for the expansion of health care for the protection of workers, and we were denied that opportunity to have it because of Republican opposition.

I keep reading about who is responsible and who is not responsible about it. It was basically a Republican decision not to permit a vote on the U.S. Senate floor on health care, in order to show that we could not deal with that issue, and the Congress was ineffective in dealing with it. We understand that. We are not trying to rewrite history at this particular time, and we should not attempt to do it here today. That was the bottom line.

The value of health care, if we had gotten it, would have been that 40 to 50 cents an hour. So, once the Republicans effectively defeated it we moved on in, in terms of the introduction of the minimum wage as one of the first orders of business, if you look on our side. It was one of the first six pieces of legislation, and we have been asking for a vote on it for over 1 year and still are denied it, even though the Republicans support it and even though Republican Presidents Eisenhower, Nixon, and Bush actually voted in support of that measure.

So, I welcome the opportunity to have a substantive judgment and decision on that matter, which, eventually, when we go through these various amendments, we will have the chance to do, because we are not going to be closed out. We can go on and use these Senate rules in a way to put our good friend and colleague as the gatekeeper for the amendments, and he can use the rules in that particular way. But you are not going to get away from acting on the minimum wage at some particular time.

Finally, I do not think I really have to justify the decision that was made with regard to health care. That was a judgment that was made by Senator KASSEBAUM as well as myself.

So, if the Senator wants to have that kind of dispute as a way of getting legislation effectively through, it is a procedure which is used at other times, generally when the floor manager and the minority agree. We differed on this legislation, for some very important substantive reasons.

So, I think the circumstances are very much different. All we are looking for is 30 minutes on the minimum wage. Then we can get about concluding this very important legislation and be able to vote on it. We had, as the Senator from Wyoming knows, excellent markups with overwhelming participation, Republicans and Democrats, in the Judiciary Committee.

It was a great tribute to the Senator from Wyoming, for the involvement of the Members and the expression of differing views, that this legislation was reported out of committee. I am sure the Senate is going to make a judgment on this measure as well. But the idea that taking 30 minutes or an hour out of this kind of debate while we are processing amendments is unreasonable is incorrect—I would be glad to cut back our time.

I do not think I have used very much time in agreeing with the amendments of the Senator from Wyoming on these measures. Surely, we can cut out 1 hour of this day or tomorrow or whenever to debate the minimum wage when we have had important Republican support. The issue will not go away. I appreciate and understand the Senator's position on it.

Mr. SIMON. Will my colleague yield for a question?

Mr. KENNEDY. I will be glad to.

Mr. SIMON. When Senator SIMPSON mentions the health care bill and your statement and Senator KASSEBAUM's statement that they would resist any amendments, is it not true that any Member could offer an amendment, and, in fact, Senator DOMENICI offered an amendment with Senator KERRY here in this body? Any single Member could have offered a minimum wage amendment at that point. The procedure we are following here is dramatically different. Is that not correct?

Mr. KENNEDY. The Senator is entirely correct. We did not attempt to gag the membership, which effectively this process does. The only way you get consideration is to have the Senator from Wyoming, with the position of the majority leader, recognized. That has been a time-honored tradition which I respect and support. If not, then it goes to the minority leader. Under the Senate rules, Senator DASCHLE could come out here and offer that amendment. Then Senator DOLE would have to come out here and proceed in order to block that amendment.

We could go through that kind of a routine and put the Senate in stalemate. I mean, we are all dealing with this and understand the nature of these rules. I suppose sometime that will come to pass. But what we are trying to do is get an orderly procedure to be able to go forward.

Just finally, I say to my friend and colleague, maybe these discussions about how we could try to find common ground in the minimum wage are going on, but I do not know where they are going on. I do not think those of us who have been most involved—myself, Senator KERRY, Senator WELLSTONE, other Members, and, to the best of my knowledge, Senator DASCHLE—are aware of these negotiations.

What we are aware of is the preposterous position that the majority leader of the House of Representatives put forward yesterday as a position of the Republicans in the House, which effectively would say we are going to repeal the EITC, and therefore save $15 billion. That would be funds that would go to the people who are working on the lowest rung of the ladder, the economic ladder, and then we will set up an entirely new entitlement with the Internal Revenue Code to subsidize these workers who are working in restaurants and as teachers aides and as other health aides, working in Head Start programs, cleaning out buildings, that they would still get the $4.25 but get another subsidy from the Federal Government—a new entitlement.

Of course, that subsidy will be paid for by taxes that are coming from other workers. That is a new entitlement, a new bureaucracy, a new subsidy for companies. If that is the proposal, why do we not just get about the business of debating it and disposing of it. Maybe there are those who want to do it. But as the Senator from Illinois points out, let us at least permit a vote on this measure. Let us at least permit the Senate to speak. Let us get a short time period and have a debate on it.

That is what we are prepared to do. We are not trying to say, well, we are not prepared to go through, even though we are being denied an opportunity to vote on the minimum wage, which has received Republican and Democratic support. We are not at this point saying, well, we are not going to play ball with you on immigration. We could certainly have done that. We believe that is an important measure. But up to this time that has not been done. Eventually we will, under the Senate rules, have an opportunity to have these offerings of amendments on the minimum wage on other measures.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I think we could go on—and we may—but I think, as we get back to the substance of minimum wage—and apparently the Senator does that—and I think I misspoke earlier about Shakespeare. I think Senator KENNEDY is King Lear and I am puck, because certainly he launched one end of the tempest there, and here I am. But we will resolve this.

We will move forward perhaps, or we will not. If suddenly the procedure fails at this time, we will come back to it tomorrow or the next day, whatever it may be. But since we want to talk about the substance of minimum wage, I think it is important then just quickly, if I may, to talk about it in connection with immigration, because the other day in debate the Senator from Massachusetts talked about janitors.

Do you know what happened to janitors in the last 15 years? Janitors in Los Angeles in public buildings were making $12 an hour or $14. You know what they make now? $6. You know why? Because we in this body have allowed a glut of immigration to come to the United States and especially to that city, and the union janitors no longer are in a job at $12. The nonunion foreign immigrants came and knocked off the union wage.

Now we have the situation—if we are wanting to talk about the plight of janitors—there is a study by the General Accounting Office noting that janitors in downtown Los Angeles office buildings had won excellent wages and working conditions through their unions since World War II. By 1983, the prevailing wage reached $12 an hour—this is a GAO report. The ability to deliver credible threats to strike if wage increases were not forthcoming played a very important role in that success.

I know where Senator KENNEDY is on that one. But Congress, those of us in Congress, overriding the recommendations of a Federal commission on which Senator KENNEDY and I served, continued a legal immigration program that poured hundreds of thousands of foreign workers into the country annually during the 1980's—hundreds of thousands. Thus, Washington, thus us, inadvertently provided the opportunity for aggressive, nonunion businesses to take the jobs or deflate the wages of union workers, union workers in the Los Angeles area, taking over the office building contracts. Most of the native born workers were then driven from their jobs. Real wages for the foreign born and remaining native born have fallen further toward and even down to the minimum wage. There is a tie here somewhere, and we will get to it. We will discuss it. Now I have opened Pandora's box once again, but realizing the hazard of that. But there is where we are. We go ping pong all day long. It is theater, any way you cut it.

Mr. KENNEDY addressed the Chair.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. The Senator from Florida has been very accommodative. I will just take one moment.

The Senator's comments are old news, old news to certainly this Senator and, I think, to most Senators. That is why in the legal immigration we have effectively cut out the unskilled workers. That was initially either a proposal of mine or Senator SIMPSON on which we both had agreement. So that particular feature is excluded.

The reason we are continuing to see the depression in terms of those wages is because of illegal, not the legal, because we have effectively terminated that.

I will welcome the opportunity for debate about how this legislation and the legal immigration is going to protect American workers. I say in fairness that the Senator from Wyoming had included in initial proposals some additional provisions for the protections of American workers which I supported. I think we could have expanded on it.

Now, with regard to the legislation actually reported out of the committee, we have moved back from those kinds of protections. I think it is enormously important that we have those kind of protections. We will have a chance to talk about that as well.

Mr. GRAHAM. Mr. President, the issue of illegal immigration is an extremely serious one for America. Few places are as affected by that issue as my State of Florida. My State represents approximately 6 percent of the population in the United States. It is estimated that 10 percent to 15 percent of the illegal aliens who are in the United States are in the State of Florida. Within the last 4 years there were periods in which over 4,000 persons from Haiti alone entered into small boats in order to get to the United States, primarily through Florida, and would have added further to that population of illegal aliens.

Mr. President, my concern, therefore, is not that this Congress should deal with this subject. It is important, critical that we do. Rather, I believe there are at least two areas of this bill through which a serious fault line runs. This is not Shakespearian theater. This is structural engineering. The first of those fault lines, and the two are related, is that while this bill has as its label, illegal immigration, S. 1664 says in its heading, in its title, ''To Amend the Immigration and Nationality Act to Increase Control Over Immigration to the United States by Increasing Border Patrol,'' et cetera. The focus of this bill is illegal immigration.

The first fault line, however, is that within this bill on illegal immigration there are major provisions which affect legal aliens, either totally affect legal aliens or substantially affect legal aliens. To pick one specific example which I hope will be dealt with before we complete action on this legislation, this bill that purports to deal with illegal immigration would change the conditions under which persons who are in this country with a legal status are allowed to adjust that legal status.

Since the early 1980's, the United States has recognized the special circumstances of Cubans coming to the United States and have had special provisions in which persons who were here legally of Cuban nationality can adjust their status. This bill, which purports to deal with illegal aliens would substantially restrict that right. This is only available to persons who are here legally. I cite that as just one example.

Other examples of the mixture of illegal and legal go to the fact that by changing the eligibility standards for legal aliens, substantial additional costs are going to be imposed upon the communities and States in which these aliens live. So the second faultline in this legislation are significant unfunded mandates which are being imposed upon States and local communities.

It is ironic, Mr. President, that the very first bill introduced in this Congress, S. 1, was a bill which had as its title the Unfunded Mandates Reform Act of 1995. Let me read from the statement of the purpose of the Unfunded Mandates Reform Act of 1995. The purpose of this act, which is now Public Law 104–4, the fourth bill that became law as a result of actions of the 104th Congress, the purposes of the act are:

To strengthen the partnership between the Federal Government and State, local, and tribal governments; 2, to end the imposition in the absence of full consideration by Congress of Federal mandates on State, local, and tribal governments without adequate Federal funding in a manner that may displace other essential State, local, and tribal governmental priorities . . . 6, to establish a point of order vote on the consideration in the Senate and the House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates.

Those were some of the purposes that led this Congress to adopt as its fourth legislative action of the 104th Congress the Unfunded Mandates Reform Act of 1995.

When the Senate was debating this proposal, Mr. President, the majority leader, Senator DOLE, stated,

Mr. President, the time has come for a little legislative truth in advertising. Before Members of Congress vote for a piece of legislation, they need to know how it would impact the States and localities they represent. If Members of Congress want to pass a new law, they should be willing to make the tough choices needed to pay for it.

That statement by our majority leader was an important part of this Senate's determination to pass the Unfunded Mandates Reform Act of 1995.

So what are we about today, Mr. President? We are about legislation which would impose massive unfunded mandates on States and local communities in America. The Congressional Budget Office has, in a very limited time, reviewed this legislation's very broad sweeping impact on State and local governments. They have determined that this bill does, in fact, meet the $50 million threshold for unfunded mandates procedures due to the bill's requirements governing just two items: Birth certificates and drivers' licenses. Thus, although the bill would impact literally hundreds of programs run by State and local governments, just these two relatively minor programs reach the threshold of $50 million, which under the legislation constitutes unfunded mandates.

With respect to the all-encompassing deeming requirements imposed on hundreds of Federal, State, and local programs in this legislation, the Congressional Budget Office says,

Given the scope and complexity of the affected programs, however, the Congressional Budget Office has not been able to estimate either the likelihood or magnitude of such cost at this time. These costs could be significant, depending on how strictly the deeming requirements are enforced by the Federal Government.

On another issue, the Congressional Budget Office has stated under the terms of means tested State and local tested programs,

It is likely that some aliens displaced from Federal assistance programs would turn to assistance programs funded by State and local governments, thereby increasing the cost of these programs. While several provisions of the bill could mitigate these costs, CBO states that such tools would be used only in limited circumstances in the near future. At some point, State, and particularly local governments, become the providers of last resort, and as such we anticipate that they would face added financial pressure on their financial assistance programs.

Mr. President, this bill fails to meet the majority leader's truth-in-advertising test. It is not strictly an illegal immigration bill, and it does have serious

financial implications for States and local communities. We are preparing to vote on a bill that we truly have not the foggiest idea what the impact will be on our constituents. They certainly are extremely concerned and strongly supportive of resolving this issue of unfunded mandates.

I have a letter dated April 16 from the National Conference of State Legislatures. This letter is also joined by the National Association of Counties and the National League of Cities. This letter urges all Senators to support a point of order against S. 1664, the illegal immigration bill, based on the violation of the unfunded mandates bill. This so states—the President of the National Conference of State Legislatures, the President of the National Association of Counties, and the President of the National League of Cities—''This constitutes a critical test of your commitment to preventing cost shifts to an unfunded administrative burden on State and local governments.'' This is what the leaders of State and local governments have described as the seriousness of the issue of unfunded mandates raised by this bill.

During the Judiciary Committee markup of this bill, Gov. Tommy Thompson of Wisconsin and Gov. Bob Miller of Nevada wrote in a letter, dated March 6, on behalf of the National Governors' Association, expressing concern about ''administrative provisions contained in the bill,'' which, if enacted, ''could result in an unfunded mandate being passed on to State and local governments.''

This concern of Governors Thompson and Miller has, of course, now been confirmed by the Congressional Budget Office. Moreover, the National Association of Public Hospitals wrote to all Senators on April 12, noting, ''This bill will lead to an increase in the number of uninsured patients and exacerbate an already tremendous burden of uncompensated care on public hospitals.''

This gets to another point that I offered in the unfunded mandates bill, which seemingly has gone unnoticed by the Congressional Budget Office, despite a vote of 93 to 6. That was a provision, which is now part of the Public Law 104–4, which states that any Federal reductions in ''reimbursements to State, local, and tribal governments for the costs associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education, or criminal justice,'' constitute part of the potential new obligations imposed upon States and are subject to the point of order as unfunded mandates.

In numerous ways, S. 1664 does exactly that. It eliminates Federal reimbursement to the States, according to the Congressional Budget Office, by about $7 billion. I repeat, it eliminates Federal reimbursement to the States by about $7 billion over the period 1996 to 2002, a substantial portion of which is in health care costs associated with immigrants.

In short, this bill, once again, creates an enormous unfunded mandate on State and local governments. Once again, I repeat the quote from the Congressional Budget Office: ''Given the scope and complexity of the affected programs, however, CBO has not been able to estimate either the likelihood or magnitude of such costs at this time. These costs could be significant, depending on how strictly the deeming provisions are enforced by the Federal Government.''

Mr. President, while the CBO has been unable to do a comprehensive report, the National Conference of State Legislatures has undertaken that task. Our colleagues in the State capitals across the Nation, legislators, as are we, who administer these programs we are talking about today, have assessed what the impact will be on States. Although they were, like the Congressional Budget Office, limited in the time available to complete this analysis, the National Conference of State Legislatures developed a very conservative cost estimate for just 10 of the affected programs.

This study did not include Medicaid and 40 other Federal means-tested programs. What did the National Conference of State Legislatures find?

First, after contacting more than 10 States, States of varying size, they concluded that ''regardless of the size of the immigrant population, all States and localities will have to implement these unfunded mandates.''

In other words, the bill impacts a city in Iowa or Delaware just as it might in Los Angeles, CA, or Miami, FL. The bill requires all Federal, State, and local means-tested programs to have a new citizenship verification bureaucracy imposed upon them.

All programs, regardless of whether the new bureaucracy costs exceed benefits, regardless of whether it imposes a very large unfunded mandate on State and local programs, all programs are impacted by this bill. What are the estimated costs, even for just the 10 programs which have been studied? According to the NCSL study, ''The cost of these new requirements for 10 selected programs would result in a $744 million unfunded mandate.'' Repeating, ''The cost of new requirements for 10 selected programs would result in a $744 million unfunded mandate.''

The National Conference of State Legislatures adds, ''Of course, if the 40 other programs, including Medicaid, adoption assistance, and the WIC programs, are included, the unfunded administrative burdens on States and localities would substantially increase.''

Mr. President, the NCSL study indicates that unfunded mandates for just 10 programs will be $744 million. Once the other multitude of programs are analyzed, the costs imposed on State and local government could far exceed a billion dollars. It could very well amount to several billion dollars.

However, Mr. President, there are no provisions in the pending legislation to reimburse State and local governments for the administrative costs and the cost shifts which will be imposed upon them by this bill.

As the majority leader said on January 4, 1995, when we were passing the unfunded mandates bill:

> We do not have all the answers in Washington, DC. Why should we tell Idaho, or the State of Kansas, or the State of South Dakota, or any other State, that we are going to pass this Federal law and we are going to require that you do certain things, but we are not going to send you any money? So you raise taxes in the local communities or in your State. You tax the people, and when they complain about it, say, ''Well, we cannot help it because the Federal Government passed this mandate.'' So we are going to continue our drive to return power to our States and our people through the 104th Congress.

Those were the words of Senator DOLE on January 4, 1995. Mr. President, we have now come to a point of decision as to our credibility. When we passed this legislation, as the fourth bill of the 104th Congress, one of the items in the Contract With America, one of the items upon which State and local governments are now making important decisions, which they have believed the legitimacy of our representations that we are no longer going to be casually and in an unstudied way, imposing major costs upon them. Are we now going to be prepared to meet the test?

We have a bill which says that it only relates to illegal aliens; yet, an analysis indicates that it clearly has major impacts on legal aliens.

Second, we find that a significant part of that impact on legal aliens is to impose significant new unfunded mandates—financial responsibilities—on States and local communities. I do not think that is what we want to do. We have a choice. Clearly, a point of order is now available against this bill. We could end further discussion. I am reticent to raise that point of order because I believe it is important that we pass an illegal immigration bill that will in fact strengthen our ability to protect the borders of America and to assure that our lawful means by which persons can come to the United States are available and are not dismissed, as they have been so frequently in the recent past, by persons who come here illegally.

I also am reluctant to raise this point of order at this time because we still have an opportunity to correct this legislation and to remove those provisions which are imposing these mammoth unfunded mandates on States and local communities.

We are in a strange parliamentary process, but I hope that even through this byzantine process we will be able to consider those amendments that will be faithful to our commitments not to impose new unfunded mandates in the manner in which we are doing in this legislation upon our citizens at the State and local level.

So, Mr. President, my purpose in these remarks is to raise these two important structural defects in the bill—a mixture of impacts on legal aliens, and a bill that is labeled ''illegal immigration'' and the imposition of major unfunded mandates on States and local communities.

It is my hope that by raising these issues, it will contribute to reforming this bill in a way that brings a good engineer into the foundation of this legislation, pour some concrete, and strengthen the integrity of this legislation. If that is done, then the unfunded mandate point of order would no longer be available.

If that is not done, I want to assure my colleagues that the point of order will be raised because I am committed that we not only strengthen our resolve against illegal immigration but that we also demonstrate our credibility to not impose mammoth unfunded mandates on our State and local governments.

I ask unanimous consent that the letter and other material from the National Conference of State Legislatures be printed in the RECORD.

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

NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL LEAGUE OF CITIES,

April 16, 1996.

DEAR SENATOR: On behalf of the National Conference of State Legislatures (NCSL), the National Association of Counties (NACo) and the National League of Cities (NLC), we are writing to alert you that according to both the Congressional Budget Office (CBO) and our own analysis S. 1664, The Immigration and Financial Responsibility Act of 1996, is in violation of P.L. 104–4, The Unfunded Mandates Reform Act.

Certain portions of S. 1664 would place unfunded federal mandates on states and localities through new national requirements for driver's licenses and birth certificates and by extending legal immigrant benefit restrictions to all federal means-tested programs. CBO estimates that the driver's license and the birth certificate mandates alone could cost states and localities in excess of $200 million. This clearly exceeds the $50 million threshold needed for a point of order against S. 1664 in accordance with P.L. 104–4.

In addition, a study by the National Conference of State Legislatures has found that the deeming requirements of S. 1664 would impose even greater unfunded federal costs on state and local governments. (CBO was unable to conduct an analysis of the deeming requirements, but stated that ''it is possible that the administrative costs associated with applying deeming requirements to some federal means-tested entitlement programs would be considered mandate costs as defined in P.L. 104–4.'') The NCSL study of just ten affected programs, not including Medicaid and 40 other programs, reveals that the costs to state and local government of these new requirements is $744 million.

As you know, ''deeming'' is attributing a sponsor's income to the immigrant when determining program eligibility. S. 1664 would extend deeming from three programs (AFDC, SSI and Food Stamps) to 50 federal means-tested programs including foster care, adoption assistance, school lunch and WIC. Regardless of the size of the immigrant population, all states and localities will have to implement these unfunded mandates. By mandating that state and local governments deem for all these programs, the legislation requires states and localities to extend a complicated administrative procedure to more than 50 federal programs. These mandates will require states to verify citizenship status, immigration status, sponsorship status, and length of time in the U.S. in each eligibility determination for the deemed federal programs. They will also require state and local governments to implement and maintain costly data information systems.

Therefore, we urge you to support a point of order against S. 1664 based on the violation of P.L. 104–4. This is a critical test of your commitment to preventing cost-shifts to and unfunded administrative burdens on state and local government.

NCSL, NACo and NLC will support subsequent amendments to reduce the scope of the deeming provisions and the onerous administrative requirements. We oppose the provision to extend the deeming requirements to all non-cash, federal means-tested programs. These mandates also garner almost no federal savings and should be eliminated as part of the Congressional commitment to eliminating cost shifts to state and local budgets and taxpayers. We urge you to support amendments to limit deeming to the federal programs that deliver income support and food assistance and to ensure that states and localities will not have to implement deeming for any program where administrative costs would exceed any estimated net savings or benefit expenditures.

Without this amendment, states and localities will have to deem applicants for everything funded by federal means-tested programs from foster care to children's soccer leagues to mobile meals to after-school tutoring programs. The administrative burden would severely restrict the number of services that could be provided and be a bureaucratic nightmare, especially for states and localities with fewer immigrants.

We also strongly support amendments to exempt vulnerable populations such as legal immigrants who become disabled after arrival, children under 18, pre-natal and post-partum women, and veterans and their families from the deeming restrictions. These groups are among the most vulnerable members of our communities. NCSL, NACo and NLC are also concerned about immigrants who enter the U.S. legally and comply with U.S. immigration laws in good faith. Legal immigrants who play by the rules should not be barred from the SSI program if they become disabled after arrival. No one can predict when they might suffer a disability; these immigrants must be included in the SSI program.

We are especially concerned about the impact of extending the deeming requirements to the Medicaid program. Without this program eligibility, many legal immigrants will not have access to health care. Legal immigrants will be forced to turn to state indigent health care programs, public hospitals, and emergency rooms for assistance or avoid treatment altogether. This will in turn endanger the public health and increase the cost of providing health care to everyone. Furthermore, without Medicaid reimbursement, public hospitals and clinics and states and localities would incur increased unreimbursed costs for treating legal immigrants. Exempting emergency Medicaid services from sponsor deeming is especially justified because emergency medical care must be provided by all hospitals with emergency rooms without regard to the patient's ability to pay or immigration status.

Finally, we are also concerned about the provisions mandating national standards for state and local documents such as birth certificates and driver's licenses. We support maintaining state and local choice in the design of these documents. These are very sensitive public policy issues. S. 1664 would preempt a number of state laws including those that specifically prevent using social security numbers as identification on driver's licenses and other identification cards. These mandates may violate the Supreme Court decision in New York v. United States that prohibits making states the administrative arm of the federal government. Furthermore, these provisions also place costly unfunded mandates on state and local governments that prevent such use of social security numbers or do not use tamper-proof paper for birth certificates.

We appreciate your consideration of our concerns and urge you to support these amendments to minimize the cost shift and unfunded mandates to states and localities.

Sincerely,

JAMES J. LACK,
New York Senate, President, NCSL.
DOUGLAS R. BOVIN,
Commissioner, Delta County, MI, President, NACo.
GREGORY S. LASHUTKA,
Mayor, Columbus, Ohio, President, NLC.

MEMORANDUM

To: Interested Parties.
From: Sheri Steisel, National Conference of State Legislatures. Jon Dunlap, National Conference of State Legislatures. Marilina Sanz, National Association of Counties.
Date: April 15, 1996.
Re: Unfunded Mandate Violations of More Than $900 Million In S.1664/S.269.

As you may be aware, on Friday (4/12/96) the Congressional Budget Office released its score of S.269 (now S.1664), the Immigration Control and Financial Responsibility Act of 1996. In this score, CBO states that a number of provisions in S.1664 would place unfunded federal mandates on states and localities. CBO estimates that the driver's license and birth certificate provisions alone could cost states and localities in excess of $200 million. This alone is a violation of the provisions of S.1, the Unfunded Mandates Act of 1995 and is certainly more than the $50 million threshold needed for a point of order against S.1664 on the Senate floor.

As for S.1664's new deeming requirements for all federal means-tested programs, CBO states that given the scope and complexity of the affected programs, they were unable to estimate these costs at this time. CBO found that ''it is possible that the administrative costs associated with applying deeming requirements to some federal means-tested entitlement programs would be considered mandate costs as defined in Public Law 104–4.'' As you know, S.1664 would extend deeming from the 3 current programs (AFDC, SSI, and Food Stamps) to more than 50 federal means-tested programs, most of which provide social services at the local level.

The National Conference of State Legislatures (NCSL) has developed cost estimates for 10 affected programs (not including one of the largest, Medicaid, and 40 other federal means-tested programs). We have consulted with more than 10 states of varying size. However, regardless of the size of the immigrant population, all states and localities will have to implement these unfunded mandates. The NCSL study found that the cost of these new requirements for 10 selected programs would result in a $744 million unfunded mandate. Of course, if the 40 other

programs, including Medicaid, Adoption Assistance, and WIC, are included the unfunded administrative burden on states and localities would substantially increase.

In the Senate debate, NCSL and NACo will strongly support a point of order against S.1664 and subsequent amendments to reduce the scope of the deeming requirements and the administrative burden the requirements place on states and localities.

NATIONAL CONFERENCE OF STATE LEGISLATURES

UNFUNDED MANDATES IN IMMIGRATION BILL: COST ESTIMATE OF S.269/S.1664 DEEMING MANDATE

Enclosed are the following: (1) the list of programs that we believe meet the unfunded mandate criteria contained in S.1 Unfunded Mandates Act and CBO's interpretation of the law; (2) an estimate of the infrastructure, training and implementation costs that states and localities would incur in order to implement deeming for these 10 programs; and (3) the list of over 40 additional federal means-tested programs that do not meet the criteria in S.1 but the states and localities would also have to implement deeming for. We estimate that the total cost of the deeming unfunded mandate in S. 1664 for the 10 programs that meet S.1 criteria is $743.66 million. These costs rise substantially when all other federal means-tested programs, such as Medicaid, Adoption Assistance, WIC, and others, are included (see attachment part III).

Assumptions about deeming

In order to comply with the deeming mandates in S.269 (''to implement deeming for all federal means-tested programs'') we believe that states and localities will have to adhere to a process similar to the following.

A citizenship verification must be made for all applicants of all federal means-tested programs. This means that each applicant must have an interview with a caseworker who will verify citizenship status and check valid documentation (e.g., birth certificate, passport, etc.). We do not believe that a written attestation of citizenship will be sufficient because any applicant for assistance could claim citizenship status, even illegal immigrants. Federal means-tested programs that do not have an intake process and an eligibility determination system in place will have to create them to provide a credible verification of citizenship status. We believe that creating these systems and hiring staff to administer them will be very costly (see #1 below).

After establishing who the noncitizens are, the caseworker must use the System of Alien Verification of Eligibility (SAVE) secondary verification process to determine which noncitizens have sponsors. As with the citizenship verification, we believe that requiring a written attestation of sponsorship status is not credible because of the enormous loophole in creates. At this time the SAVE secondary verification process is the only credible way to verify sponsorship status. With extensive training, caseworkers may be able to identify as many as ⅓ of all noncitizen applicants who would not have sponsors without accessing SAVE through secondary verification. Therefore, we estimate that ⅔ of all noncitizen applicants will need to be checked for sponsorship through the SAVE secondary verification process.

States and localities report that it currently takes INS an average of 3.5 weeks to respond through secondary verification on sponsorship requests for the three programs that deem. We would expect this time lag to increase as more programs deem (whether it be the 10 that meet S.1 criteria or the 50-odd possible means-tested programs) and SAVE's secondary verification process is overwhelmed. This may conflict with federal application processing requirements leading to difficulties with audits and quality control sanctions, especially in programs like AFDC, Medicaid, Foster Care and IV–D Child Support.

After INS informs the caseworkers about sponsorship, caseworkers must calculate deemed income. State and local administrative staff will have to be trained to verify citizenship, identify immigration documents, use the SAVE secondary verification process, calculate deemed income and understand deeming exceptions to make this process workable and credible. In addition to infrastructure and training costs, states and localities will also experience on-going implementation costs associated with the staff time needed to access SAVE and make the complicated deeming calculation.

For more information please contact Jon Dunlap, or Sheri Steisel, in NCSL's Washington, DC office.

I. SELECTED FEDERAL MEANS-TESTED PROGRAMS AFFECTED BY DEEMING UNFUNDED MANDATE IN S. 269:

No Intake Process and No Current Deeming Requirement: School Lunch, School Breakfast, Child and Adult Care Food Program, Vocational Rehabilitation, Title XX Social Services Block Grant.

No Current Deeming Requirement: Foster Care, IV–A Child Care, IV–D Child Support, Medicare—QMB.

Deeming: Food Stamps, AFDC.

II. COST ESTIMATE

We have separated the costs into three parts: (1) capital/infrastructure; (2) staff training; and (3) on-going/implementation.

1. Capital and Infrastructure Costs: A citizenship verification must be made for all applicants of all federal means-tested programs. This means that each applicant must have an interview with a caseworker who will verify citizenship status and check valid documentation (e.g., birth certificate, passport, etc.). Federal means-tested programs that do not have an intake process and an eligibility determination system in place will have to create them to provide a credible verification of citizenship status.

A. What federal means-tested programs do not have an intake process?

1. Examples: School Lunch/Breakfast, Child and Adult Care Food, Title XX, Voc. Rehab.

B. What is the cost for creating an intake process?

1. Number of programs needing intake process = 4.

2. Number of new staff/program needed to admin. new intake processes:

a. School Lunch-Breakfast = 1 staff/school district 14,881 school districts = 14,881 staff (American School Food Service Association).

b. Adult and Child Care Food = 1 staff/county x 3,042 counties = 3,042 staff.

c. Title XX SSBG = 1 staff/county 3,042 counties = 3,042 staff.

d. Vocational Rehabilitation = 1 staff/county 3,042 counties = 3,042 staff.

3. Total number of new staff to create new intake processes = 24,007 staff.

4. Average annual salary of new staff = $30,000/staff/year (National Eligibility Workers Association and National Association of Social Workers).

5. Total cost of new staff = 24,007 new staff $30,000 avg. staff salary = $720.21 million.

6. Creating or updating eligibility manual (including pictures of acceptable documentation) and reprogramming computers = $2 million (this could be higher, we are checking with state welfare agencies)

Subtotals: New Staff = $720.21 million, Other Costs = $2.0 million, Federal Administration Contribution = $0 (None of these programs would be federal admin. funds).

Total: $722.21 − $0 (Fed Share) = $722.21 million.

2. Staff Training for Immigration Verification, SAVE and Deeming Administration: After establishing who the noncitizens are, the caseworker must use the System of Alien Verification of Eligibility (SAVE) secondary verification process to determine which noncitizens have sponsors. With extensive training, caseworkers may be able to identify as many as ⅓ of all noncitizen applicants who would not have sponsors without accessing SAVE through secondary verification. Therefore, we estimate that ⅔ of all noncitizen applicants must be checked for sponsorship through the SAVE secondary verification process. When INS informs the caseworkers about sponsorship, caseworkers must calculate deemed income. State and local administrative staff will have to be trained to verify citizenship, identify immigration documents, use the SAVE secondary verification process, calculate deemed income and understand deeming exceptions.

A. Staff time costs: 1 day training at $15.00/hour8 hours=$120.00/day/person.

B. Trainer's costs: $1200/training session (Center for the Development of Human Services—NY).

C. Number of people needing training:

1. school lunch-breakfast=14,881 staff.
2. child and adult care food=3,042 staff.
3. Title XX=3,042 staff.
4. Vocational Rehabilitation=3,042 staff.
5. IV–E Foster Care=3,042 staff.
6. Medicare QMB=3,042 staff.
7. IV–A Child Care=3,042 staff.
8. IV–D Child Support=3,042 staff.

Total=36,175 staff.

D. Number of people trained per session=35 (Ctr. for Dev. of Human Services—NY).

F. Total number of training sessions: 36,175 staff/35=1,033 sessions.

G. Total cost/session=$1,200 trainer+($120/person35 attendees=$4,200 staff time/session)=$5,400.

Subtotal: Total cost of start-up training=$5,400 (cost/session)1033 (number of sessions)=$5.58 million Total Federal Administration Contribution=$1.8 million (30% Federal reimbursement after accounting for average of 50% federal administrative reimbursement for most programs but no federal assistance for the large nutrition programs such as school lunch/breakfast and child and adult care food admin. cost).

Total: $5.58 million−$1.8 million (Fed Share)=$3.78 million.

3. On-Going Implementation Costs: After consulting with a range of state and local officials, including LA County, Colorado, New York, Rhode Island, Iowa, West Virginia, Virginia, Minnesota, and Texas, we believe that the on-going implementation of deeming will be cost prohibitive. According to the 1994 Census, 15 million noncitizens reside in the U.S. After consulting with the INS and the urban Institute, we estimate the approximately 10%, or 1.5 million, will apply for a federal means-tested program each year. This percentage would be even higher if we used research from George Borjas, a well-known immigration demographer, who estimates immigrant public assistance use at closer to 20%. Many noncitizens will apply for multiple programs or apply for a single program multiple times. We are unsure about how to account for the number of noncitizens who might file multiple applications. Because no comprehensive information system exists to record and unify data on all federal means-tested programs, each application will require a separate verification and inquiry of the SAVE secondary verification system. After consulting with Los Angeles County, we multiply the number of

applicants by a factor of 1.5 to account for additional procedures resulting from multiple applications. After consulting with the INS, we estimate that if caseworkers receive extensive training in reading immigration documents, they will be able to vet up to ⅓ of all noncitizen applications. The remaining applications will have to be referred to the SAVE secondary verification process. We estimate that 50% of all secondary SAVE inquiries will require a deeming procedure (Congressional Research Service). We divide the total number of SAVE inquiries in half to bet the total number of deeming procedures per year.

A. Total number of noncitizens applying for selected federal means-tested programs per year = # SAVE 2nd verifications inquiries to be scored by CBO: 15 million non-citizens in U.S. (census 1994)—10% (1.5 million) apply for one of the selected federal means-tested programs—we use a 1.5 multiplier for selected federal means-tested programs (1.5 million 1.5 multiplier = 2.25 million applications)—One-third of applications can be vetted through immigration document checking (2.25 mil − 742,500 = 1.49 million) = 1.49 million SAVE inquiries per year for the selected federal means-tested programs.

B. Total number of deeming procedures/year = 1.49 million 2nd SAVE inquiries .5 for noncitizens without sponsors = 742,500 deeming procedures/year for selected programs.

C. Average cost per inquiry of SAVE 2nd verification (staff time, costs for accessing save):

1. 30 min. of staff time per 2nd verification inquiry at $15.00/hour = $7.50/inquiry of staff time (HHS Office of Inspector General).

2. Other costs for accessing SAVE might include phone, copying, mailing, etc. = $1 million.

D. Average additional cost of administering deeming procedures (reinterview, calculation, exemptions).

1. 1.5 hours staff time/deeming procedure at $15.00/hour = $22.50/deeming procedure (National Eligibility Workers Association survey).

E. On-going training costs:

1. Avg. annual turnover of caseworker staff = 10% (National Association of Social Workers).

2. Number of new staff/year = 36,175 staff 10% turnover = 3,617 new staff/year.

3. Number of new training sessions/year = 3,617 new staff/35 per session = 103 sessions/year.

4. Total cost of on-gong training/year = 103 sessions $4,500/session = 556,200/year.

Subtotals: SAVE inquiry costs = $7.50/per inquiry 1.49 inquiries = $11.18 million. Other ongoing admin. costs = $1.0 million. Deeming staff costs = $22.50/per deeming procedure 742,500 procedures = $16.71 million. On-going training cost = $556,200.

Federal Administrative contribution: $8.84 million (30% Federal reimbursement after accounting for average of 50% federal administrative reimbursement for most programs but no federal assistance for the large nutrition programs such as school lunch/breakfast and child and adult care food admin. costs).

Net Total: $29.45 million (On-going cost) − $8.84 million (Fed Share) = $17.67 million.

Estimated total net Capital/Infrastructure cost: $722.21 million.

Estimated total net training cost: $3.78 million.

Estimated total net on-going implementation cost: $17.67 million.

Estimated total net cost: $722.21 million + $3.78 million + $17.67 million = $743.66 million.

IV. OTHER FEDERAL MEANS-TESTED PROGRAMS

Medical Benefits: Medicaid, Maternal and Child Health Services Block Grant, Migrant Health Centers, Community Health Services, Title XX Family Planning Services.

Cash Benefits: SSI-Supplement, Adoption Assistance, Emergency Assistance to Needy Families with Children. Child Care Development Block Grant.

Food Benefits: WIC, Summer Food Service Program for Children, Commodity Supplemental Food Program, Special Milk.

Housing Benefits: Section 8 Housing Assistance, Public Housing, Rural Housing Loans, HOME, Rural Rental Housing Loans, Section 236 Interest Reduction, Farm Labor Housing Loans and Grants, Section 101 Rent Supplements.

Education Benefits: Title I Grants for Educationally Deprived Children, Pell Grants, Head Start, Stafford Loans, Even Start, College Work Study, Supplement Education OPP. Grants, Perkins Loans, State Student Incentive Grants.

Services: Community Service Block Grant, IV–B Child Welfare, Emergency Food and Shelter Program.

Jobs and Training: Adult Training Program, Summer Youth Employment, Youth Training Program, Foster Grandparents, Senior Companions, Senior Community Service Empl.

Energy Assistance: LIHEAP, Weatherization Assistance.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Ohio.

Mr. DEWINE. Mr. President, let me first compliment my colleague and friend from Florida for his very fine statement, particularly in regard to his recitation of the unfunded mandates that are in this bill. I have several of the same concerns that he does.

We have an employer verification system here that is going to cost money. It is going to cost money for employers. It is going to cost money for States and local communities.

I have other serious concerns about this employer verification system as well.

My colleague from Michigan, Senator ABRAHAM, will be offering later in this debate an amendment dealing with that employer verification problem that is in the bill. My friend from Florida has also pointed out another, I think, very important problem, a huge unfunded mandate; that is, the birth certificate changes that are required in this bill.

I think it is going to come as a shock, when we get into this debate, to my colleagues and to the American people to find that under the terms of this bill the birth certificates that every American has are still going to be valid after the bill passes. They just will not be able to use them much for anything. You are going to have to go back to the place where the birth took place and get a new birth certificate if you want to get a passport or if you want to use it for other official business. It is just going to be absolutely a total nightmare.

Now is not the time to get into this in detail, but I will be offering an amendment at the appropriate time to strike that provision because it would be very, very ironic that a U.S. Congress that has put itself on the block and said finally we are going to heed what local elected officials are telling us, finally we are going to listen, finally we passed this unfunded mandate bill saying we are not going to do this anymore, or at least, if we do, we are going to recognize that we are doing it and admit that we are doing it—it would be the height of irony if this Congress which said that would pass such a huge unfunded mandate that my colleague from Florida has pointed out is absolutely huge.

Imagine telling everybody in this country that your birth certificate is still valid technically but you just cannot use it for much of anything. Imagine the cost to the counties, or whatever local jurisdiction you have in your home State that issues birth certificates, when people start flocking back and going home to get these new birth certificates issued to qualify. The only way they qualify is if some Federal bureaucrat in Washington, DC, says, ''Well, yes, that is OK. That type of format is OK. The paper is OK. The format is OK. The information is OK. Yes, you can use that type of birth certificate.'' A huge unfunded mandate that is absolutely crazy.

I think when my colleagues look at this issue and we get into the debate about the cost of this, people are going to really be shocked.

Let me turn, if I could, Mr. President, to what I understand is the pending business; that is, the Simpson amendment that deals with open field searches.

Let me just bring my colleagues up to date, or kind of capsulize exactly where we are on this issue. This issue was looked at by the Judiciary Committee. In fact, by a vote of 12 to 5, Senator SIMPSON's position was rejected. The position that he has taken and the position that this amendment would take would be to reverse—let me say that again—reverse a very delicate compromise that was reached in 1986 in the Simpson-Mazzoli bill in regard to open field searches.

Let me go back and review very quickly some of the history behind this. In 1984, the U.S. Supreme Court said that a search warrant was not required for open field searches but in its opinion invited Congress to look at the issue and to take action in this regard.

In 1986, some 2 years later, when we looked at this whole issue of illegal immigration, Congress did speak, and it was an integral part of that compromise. A very delicate compromise was worked out when I was in the House of Representatives. Senator SIMPSON was the leader here in the Senate. That compromise provided that, for an open field search, a search warrant would, in fact, be required. So, if we accept the Simpson amendment, it really is a rejection of a compromise that was made in 1986.

The bill, Mr. President, as it currently stands on the Senate floor with the vote by the Judiciary Committee—a 12 to 5 vote to reject the Simpson position on open field searches—the current bill is the status quo. The current

bill is where the law is today. I want to emphasize that.

Let me talk a little bit about the merits of this issue. The current law is that the INS has to get permission to conduct a search in an open field involving agricultural workers. That is the same situation that exists today if the INS wants to go into a restaurant or wants to go into some other building and conduct a search. If they want to conduct a search, under current law, they can get permission, which oftentimes is granted; but if they cannot get permission, then current law treats all employers and all employees equally in this regard. The INS has to go in and get a search warrant, if they do not get permission. That is true whether they are dealing with a building or whether they are dealing with work that is taking place on a farm or a ranch.

To change this, as the Simpson amendment would do—first of all, there is no compelling reason to do it. In fact, there is no reason to do it at all.

In fact, there is no reason to do it at all, if you ask the INS. They are the ones enforcing it. They are the ones who have the duty imposed by Congress to get the search warrant.

What the INS says is we do not need to change the law. They are not here asking for the change. We do not need the change in the law is what the INS says. They are the ones who in a sense we have been restricting.

Second, a change in the law, which adoption of the Simpson amendment would be, puts a burden on farmers, and, yes, on ranchers. I do not have to remind anyone in this body who has a farmer or a rancher in their State—and that includes every State I guess—how time sensitive the harvest of any crop is.

I experienced this in my home county. My family ran a seed business for many years. And when it came time to harvest the wheat, they harvested the wheat. You had a fine window in there to get it done. If you did not do it at the time to do it, you might lose the crop. It might rain; you might have problems. The same is true for any perishable crop—tremendous disruption of going in and conducting these searches without a search warrant. That is one of the compelling reasons that this was such an important part of the compromise that was reached in 1986 in the Simpson-Mazzoli bill.

In addition to the burden that this amendment would place on employers, equally important, and maybe even more important, is the burden it is going to place on employees.

Open fields. Let us think of the real world. Let us think of the real world. INS would drive by and look at this open field. Where are they going to go? It is not unreasonable to think that there is certainly a distinct possibility, however well intentioned people who work at INS are, that they are going to go where they see people look a little different than the vast majority of Americans, or at least the vast majority of people in most parts of the country, that they are going to go where maybe someone's skin is a little browner. They are going to go where they have some suspicions.

I think that is wrong. I think they should be held to the same standard they have been held to for the last decade under the Simpson-Mazzoli compromise, and that is they have to get a search warrant. It is not too burdensome.

Again, I think it is important that all employers be treated equally and all employees be treated equally. The situation has to be dealt with in the same sense, and that is true of the status quo, and that will be changed if the Simpson amendment today is adopted.

What was the background of this? What led to people looking at this and saying, ''Hey, there is a problem.'' It is my understanding that before the 1986 act was passed, 15 percent of the illegal immigration problem in the work force was in agriculture and yet 75 percent of all searches, all the raids occurred in agriculture. That is no coincidence. They went where it was easier. They went where they could see into the open fields. I would submit they sometimes may have gone where somebody's skin was brown or somebody looked a little different, looking at that as a good prospect. I think it is wrong to change that law.

We are going to hear the argument in the Chamber that the only law enforcement agency that is required to have a search warrant in an open field situation is the INS. Yes, that is technically true. To state that is to state the obvious, but it is also looking at it from a very simplistic point of view. Those of us who have been involved in law enforcement know that searches by law enforcement agencies that are looking at what we consider to be crimes historically—rape, murder, theft—they are not just going and looking at fields and walking into those fields because they see who is working there. That just is not the way it works. There is a normal progression of the research that has to be done, the evidence that has to be presented, even if the plain view doctrine to go onto a field does in fact apply, which I think it does. That is frankly the argument that proponents might make, comparing apples and oranges—just a totally different situation.

Senator HATCH received a letter on March 13, and this letter is signed by a number of groups in this country that oppose the Simpson position. Let me read the names of these groups and then let me take a brief excerpt from the letter itself.

Groups that oppose this amendment include the American Farm Bureau Federation, Agricultural Affiliates, American Association of Nurserymen, American Sheep Industry Association, California Farm Bureau Federation, Florida Strawberry Growers Association, Florida Fruit and Vegetable Association, Illinois Specialty Growers Association, Michigan Farm Bureau, National Cattlemen's Beef Association, National Council of Farmer Cooperatives, Northern Christmas Trees and Nursery, Northwest Horticultural Council, Society of American Florists, Sun-Maid Growers of California, Texas Produce Association, United Fresh Fruit and Vegetable Association, Ventura County Agricultural Association, Virginia State Horticultural Society, Wasco County Fruit Produce League, Washington Growers Clearinghouse, Western Growers Association, Wisconsin Christmas Tree Producers' Association, and Wisconsin Nursery Association.

Let me point out that this letter, dated March 13, obviously did not have to do with this specific amendment. What it did have to do with is the same identical subject. Let me quote from this letter. This letter was signed by the groups that I just read. This is paragraph 2.

> S. 269 also proposes to repeal the open agricultural field search warrant requirement enacted as part of the Immigration Reform and Control Act of 1986. This provision requires Immigration and Naturalization Service to obtain the permission of the property owner prior to entering the property searching for illegal aliens, or to obtain a search warrant. This is the same procedure required of INS searching for illegal aliens in any other workplace, such as factories, restaurants, and retail establishments enclosed by buildings or other structures. This provision of current law affords growers the same protections from warrantless searches and unreasonable disruption of business activity enjoyed by any other businesses with walls and doors.

The fourth paragraph reads in part as follows, again the same letter signed by the same groups:

> Prior to enactment of the open agricultural field search warrant requirement, INS was accused in several instances of unlawful detention of America's citizens and legal permanent resident aliens, damage to crops and property, violations of property rights, and injuries to agricultural workers fleeing INS searches. We believe the requirement that INS obtain either property owner permission or a search warrant prior to conducting a search for illegal aliens has fostered cooperation between INS and growers, and has reduced property damage, crop losses and farmworker injuries.

Again I would point out in light of this statement that I just read, that is INS' position in the sense that they are not asking for a change in the law.

Let me also cite, if I could, Mr. President, a letter from the American Farm Bureau Federation—actually not a letter but a statement that was put out. I have no date on this but it was within the last month. Let me just read a portion of this:

> Farm Bureau has been very active in lobbying Capitol Hill to seek retention of the open-field search warrant provision enacted as part of the 1986 Immigration Reform bill. The provision of S. 269 repealing the open-field search warrant requirement has received no examination in public hearings, despite the fact that it reverses policy adopted by clear majorities of both Houses of Congress during the 1986 reform debate.

Continuing the quote now:

Congress enacted the so-called open-field search warrant requirement as a part of the 1986 immigration reform bill in response to concerns among the agriculture community that farmers were treated differently by Immigration and Naturalization Service as a result of the nature of their business; that it is conducted outdoors rather than indoors and it thus had been more vulnerable to abusive searches.

That is a partial quote from the letter.

Let me also point out what the INS can do today, again under the current status of the law, again under the 1986 compromise, the Simpson–Mazzoli compromise.

They can go in property in hot pursuit. They can do that today. We do not need to change the law today to do that. They can do that hot pursuit. Further, they do not need a search warrant if the land is located within 25 miles of the border. So, again, two of the problems, or what you might think would be serious problems, have been dealt with and were dealt with in 1986.

Finally, of course, to again restate the obvious, if permission is granted, consent is given, they can go on right now.

So let me state I think this is an important issue. The Simpson amendment changes the status quo. I see my friend is on the floor and may at this point or later want to respond. But I think the status quo is correct. The Judiciary Committee voted by a 12-to-5 vote to keep the status quo. The INS does not see a reason to change the law, and therefore I ask my colleagues to vote against the Simpson amendment.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD], is recognized.

Mr. FEINGOLD. Mr. President, I rise today in opposition to the legislation before us. Before I do, let me just say a word or two about the comments about the minimum wage. I am pleased that that issue is being discussed at this time. I am pleased to see the reemergence of some bipartisan support for an increase in the minimum wage. I think the time is now. Whether it be on this piece of legislation with a limited time agreement or some other piece of legislation in the near future, I think it is something we ought to take up now rather than wait until later. It is at least of as great importance as the matter before us today.

But I do rise in opposition to this bill. I fear this legislation not only embraces the wrong approach to curbing illegal immigration, but I think it contradicts past efforts to reform the Federal regulatory framework and to prevent the Congress from passing unfunded Federal mandates that will needlessly burden employers and local governments alike.

In 1994, we witnessed a very emotional and pointed debate in California over a ballot issue that we have all come to know and describe as proposition 187. That debate, which evolved into a rhetorical backlash against both legal and illegal immigrants, clearly demonstrated that the issue of immigration has the very strong potential to further divide and alienate those in our communities who are now faced, even more than at any time in the past, with the daily anxieties of economic insecurity and social instability.

During the extensive consideration of this legislation in the Senate Judiciary Committee, I did oppose certain efforts to curtail legal immigration, whether it was an effort to prevent families from reuniting with loved ones or an effort to place additional hurdles before persons who are fleeing persecution in their home countries and have a legitimate right to ask for asylum. As I indicated then, my strong support for preserving ample levels of legal immigration does not compromise in any way my feeling, and the feeling I think of every Member of this body, that we do need to take bold and aggressive steps to curtail illegal immigration.

I do believe there are reforms that are responsible and reasonable, and that we should make every effort to pursue on this bill. For example, the bill authorizes the hiring of over 4,500 new Border Patrol agents over the course of the next 5 years. This massive increase in personnel will nearly double the existing number of Border Patrol agents under the jurisdiction of the INS.

I was also, therefore, pleased that an amendment I offered in committee was adopted by the committee, which provides that these many new personnel will be hired and adequately trained, pursuant to appropriate standards of law enforcement.

I am also strongly supportive of provisions in S. 269, offered by Senator KENNEDY, to enhance the penalties for virtually all forms of alien smuggling and document fraud, as well as related offenses.

Additionally, these provisions provide stiff penalties for those individuals who operate sweatshops which force people, many in this country illegally, to work in often inhumane conditions for minimal compensation. Like these new enforcement personnel and alien smuggling penalties, it is critical that any measure we consider to curtail illegal immigration be targeted against those who are actually breaking our laws.

Nothing stands in more stark contrast to this sort of targeted approach than what I believe to be the single most troubling component of this legislation and that is the creation of a new, costly and massive worker verification demonstration project which is intended by the proponents, I believe, to lead to a nationwide verification system within a few years.

The worker verification proposal contained in this legislation, and the worker verification concept itself, is not a targeted approach to confronting the problem of illegal immigration. Instead, it is an approach which seeks to deputize thousands of business owners and farmers and other entrepreneurs, and virtually turn our Nation's workplaces into some kind of internal border patrol, mini-INS's, if you will. These employers are then charged with the responsibility of navigating a complex new electronic verification system in an effort to root illegal immigrants out from a massive American work force.

I find it shortsighted and untenable to suggest that we cannot combat illegal immigration without requiring every person in America to have his or her identity checked by a Federal data base each time each person in this country applies for a job or for Government assistance. Despite good-faith efforts by the proponents of this provision to try to build in adequate privacy protections, the fact remains that every time an American applies for a job he or she will be stepping into a civil liberties minefield, if this system develops as I am concerned the authors intend.

Who in our society will be required to have their identities verified? Potentially everyone. It could be the 40-year-old father of four, applying for an executive position with a Fortune 500 company. It could be a 20-year-old college student applying for student aid. If I am reading this bill correctly, even a 12-year-old paper boy could have to have his identity verified by a Washington official before he could be hired to deliver newspapers. That, I am afraid, is the practical effect of a national worker verification system. It is light-years away from a targeted approach. And it is based on the proposition that it is perfectly appropriate to have ID checks potentially required from 98 percent of our population, that which consists of U.S. citizens and legal immigrants, in order to root out the 2 percent of our population that is here illegally.

During judiciary hearing consideration of this bill, the junior Senator from Michigan and I offered a bipartisan amendment to strike the worker verification concept from this legislation and replace it with stronger enforcement and penalties for those who break the law by overstaying their legal visas. Although the committee accepted these new provisions relating to visa overstayers, our amendment to strike worker verification proposals lost on a tie 9 to 9 vote.

The original nationwide system was later replaced by the so-called demonstration projects. But make no mistake, Mr. President, the fundamental flaws contained in the original proposal remain. Only now we will go through a somewhat longer process before it is actually imposed nationwide on all Americans.

Senator ABRAHAM and I will offer an amendment later on during this debate to strike those demonstration projects and programs and will speak more on this at another time. But it is strangely ironic, Mr. President, that some of the same Senators who stood here on the Senate floor a year ago and cried

out for meaningful regulatory reform legislation now are some of the strongest advocates for a massive national worker verification system and that somehow that is an appropriate solution for our illegal immigration problems.

Another provision of this legislation that is troubling to me relates to birth certificates and driver's licenses. The bill currently requires all Government agencies to begin issuing uniform Federal birth certificates based on standards developed here in Washington, DC. Moreover, no Government agency may accept for official purposes a birth certificate or driver's license that does not meet the Federal guidelines established in this and presumably future legislation.

Originally, this provision required agencies to collect fingerprints or other biometric data. The Department of Justice referred to these fingerprinted birth certificates as ''de facto national identification documents.''

Thankfully, we were able to delete the fingerprinting requirement in the Judiciary Committee, but I think it demonstrates the steps that some are willing to take in this area. I do not believe for 1 minute that we have seen the last of this fingerprinting idea. Even without the fingerprints, I think this provision is still distressing. For example, the bill language requires every State department of motor vehicles to begin issuing driver's licenses with safety features as prescribed by a Federal regulatory agency. This language also states that anyone applying for a driver's license must present certain information as designated by the National Department of Transportation to establish their identity.

So, if the Department of Transportation elects to promulgate a regulation next year requiring every State department of motor vehicles to begin collecting fingerprints, it would be legal under this legislation. So we see the fingerprints very easily coming back in, despite our efforts in the committee, through another route. Moreover, this section seems to ignore one of the 104th Congress' few bipartisan successes so far, the enactment of legislation to stop the Federal Government from passing unfunded mandates on to local and State government agencies.

I think the Chair and I both know that one of the most consistent themes you hear in our home States is that they did not want new unfunded mandates.

I recently received a letter from the Wisconsin Department of Transportation outlining their very justifiable concerns with these birth certificate and driver's license provisions. They are concerned, of course, with the cost that they will incur as a result of this new Federal mandate. The Wisconsin Department of Transportation has estimated these provisions could cost my State alone up to $3 million to comply with requirements relating to a specific Federal format for these documents and antifraud security features, not to mention Federal verification of all birth certificates and driver's licenses.

This letter states that the Wisconsin Department of Transportation ''views this bill as yet another unfunded Federal mandate. The costs associated with it are substantial.''

The letter also points out that this State agency has had its operating budget reduced by 6 percent by the Wisconsin State legislature and Governor and would have no means, Mr. President, no way by which to pick up these additional costs that this new Federal mandate would impose.

Mr. President, that is why I and the Senator from Ohio, Senator DEWINE, and others view this provision as completely contrary to the letter and the spirit of the unfunded mandates legislation passed by this body just over a year ago and signed into law by President Clinton.

There is not a word in this bill, Mr. President, about how the local and State agencies are to pay for this costly new procedure of issuing uniform Federal birth certificates and driver's licenses, even though it is plainly obvious that such a process is going to be an enormous financial burden on such entities.

Mr. President, let me also take this opportunity to express my concerns about provisions in the legal immigration bill that are likely to surface in the near future. Although the Judiciary Committee, on a strong vote, split the two bills, split the legal and illegal immigration bills, there may well be another attempt to put these provisions back in this bill. I hope not, because these are very different issues.

In committee, Mr. President, I was a cosponsor of the Kennedy-Abraham amendment to restore adequate levels of family immigration because I consider it to be essential to allow U.S. citizens to reunite with their children, their parents, and other loved ones who may be residing in other countries.

There may be some abuse of our current family immigration system, but that does not mean we should completely prohibit a U.S. citizen from reuniting with their 22-year-old daughter, their 66-year-old parent, or their 15-year-old brother. Those were in fact the so-called reforms that were included in the original Simpson legislation and later expunged from the bill during committee markup.

Considering the House voted decisively to remove all cutbacks of legal immigration from their bill, it is my hope that we have seen the last of efforts to further restrict family immigration.

Mr. President, I also have serious concerns with the provisions in the legal immigration bill relating to persons seeking asylum in this country.

Originally the bill required anyone seeking asylum to do so within 30 days of entering the United States or their claims would be invalid. I joined the junior Senator from Ohio and others in fighting this 30-day time limit because it was harsh, it was arbitrary, and would have likely had disastrous consequences for thousands of persons who have, in most cases, fled their homelands to escape persecution, torture or worse for expressing thoughts and opinions counter to those held by those governments in other lands.

We have had, no doubt, serious problems and abuses with our past asylum process. Previously, a large number of nonmeritorious claims were filed in an effort to obtain certain benefits that asylum claimants are entitled to, such as automatic work authorization. This practice did result in a mammoth backlog of pending applications that have prevented or delayed some very legitimate claims from being processed in a timely fashion.

Unfortunately, though, Mr. President, lost in all the hyperbole about this problem is the fact that the Clinton administration has made tremendous progress in clamping down on asylum fraud and abuse. As a result of these new administration reforms, in the past year alone, new asylum claims have been cut in half, and INS has more than doubled their productivity in terms of processing pending claims.

Mr. President, these promising reforms by the Clinton administration are in their infancy, and we should not mandate such a harsh and arbitrary deadline that is likely to not only be disastrous for legitimate asylum seekers, but also completely unnecessary. During committee markup, an amendment was adopted that extended the 30-day deadline to 1 year and also provided an exception to this time limit if the applicant had good cause to wait for more than 1 year. I found this acceptable because it provided legitimate asylum seekers a waiver if they had justifiable reasons for waiting beyond the 1-year period.

Unfortunately, the committee report language is more restrictive with respect to this waiver process than I had anticipated and hoped.

Mr. President, America has a proud history of representing a safe haven for those who believe in democracy and who have been tormented for embracing particular political and religious viewpoints. We should continue to do so. I intend to work with the Senator from Ohio, Senator DEWINE, and others in restoring and guaranteeing a fair and suitable waiver process.

Mr. President, as we debate this issue over the next few days, we must be mindful of the inherent dangers that this immigration issue encompasses. We find ourselves today in the heart of an election year. History has shown that it is not uncommon for politicians, not only here, but in many countries, to use the issue of immigration to further divide people, in this country to divide Americans along racial, ethnic, and cultural lines.

Playing to the fears of the American people on this issue may only provide further ammunition to those who seek to exploit those fears and coax the American people into believing that immigrants come to the United States only to commit crimes, to collect welfare benefits, and to steal jobs away from working Americans. That is an injustice, not only to the immigrants who currently reside in the United States, but an injustice as well to the historical legacy of immigrants who came here with purpose and promise and, as we must acknowledge, built this great Nation.

Let me say this at this point. I do not doubt for a minute the intentions of the Senator from Wyoming in this regard. In many ways he has been a very important source of not only expertise but moderation and thoughtfulness on this issue. I believe he has made a good-faith effort to reform a system that is clearly in need of some repair. I do regret that I have some fundamental disagreements with respect to how we should address those flaws in the current immigration system.

I look forward to working with other Senators in attempts to improve this legislation and passing reforms that truly differentiate between those who play by the rules and those who choose to break them.

Mr. SIMON. Mr. President, I want to join, first of all, in the comments that Senator FEINGOLD made about Senator SIMPSON.

Our title here is ''United States,'' not Senator from Wyoming, Senator from Colorado, Senator from Illinois, Senator from California or Wisconsin. ALAN SIMPSON has served the people of Wyoming well. But he has also been a U.S. Senator who has looked at the broad scope of things and has been a real legislator and has contributed immensely.

I will differ with him on this particular amendment. Let me add, I will differ with my friend from Wisconsin, Senator FEINGOLD, with whom I rarely differ, on this matter of pilot verification that he was just talking about.

Senator SIMPSON has reminded us over and over again on the floor that we have to stop the magnet that is the economic pull to people to come into this country illegally. So we passed, a few years ago, employer sanctions. It was a matter of controversy. I ended up being a minority on this side, joining the Senator from Wyoming and voting for that.

Employer sanctions have not worked as well as we had hoped. I think the key is verification. Unless we are willing to try a pilot verification program, and here is where I differ with my friend from Wisconsin, I do not think you will have any meaningful way of stopping a steady flow of people who come up here for economic reasons. To say we are going to just have a slight tap on the wrist to employers and tell people who are desperate, ''We are going to be tougher on you if you come up here and try to work,'' they will still come up here and try to work.

I point out one other reason on the verification, and that is the GAO report that says there is discrimination. If you appear to be Hispanic or Polish or Asian, and particularly if you speak with a bit of an accent, it is inevitable, unless we have some system of verification, that there is going to be discrimination. I think it is important, and I think we will have a close vote on this, but I think it is important that we have a pilot verification program.

The question on this immediate amendment is, is it worthwhile to give up some basic liberties in order to have this amendment, and are we going to accomplish that much? I think we will not accomplish very, very much at all in terms of discouraging the employment of illegal workers here. I think it is one more step in taking away basic civil liberties.

The reason this passed originally, we had a lot of problems with people who would be driving down the highway, and all of a sudden they look at a field and it looks like there are a bunch of ''foreign-looking workers there.'' They stop, go out, and make a raid.

We have a tradition in our country with the fourth amendment you have to go into court in order to have a search. We ought to abide by that. Now, the argument is made, well, you can have that search. You can go into court. How many farmers are going to go into court? It just is not going to happen. It makes it very costly.

Second, whenever you give people in any field arbitrary power, whether it is law enforcement or anything else, there is an invitation to corruption. I think we have to recognize that. This can be a shakedown kind of thing.

My staff has given me two examples of the kind of abuses that take place when you do not go in to court. As far as I know, and the Senator from Wyoming can correct me, as far as I know, there have been no denials for any Immigration Service requests to have a search of the field by the courts. Maybe they have existed—I do not know. In Pasco, WA, INS agents entered a field for 29 straight days searching for undocumented workers. On some occasions the agents drove their trucks across the bean fields, causing substantial damage to the bean crop. The latter part of that is not that significant, but if you want to go 29 straight days to search somebody's field, you ought to go into court 29 straight days to get a court OK for doing that.

In Othello, WA, INS agents entered a farm four times in 1 month looking for undocumented workers. Their last three trips were without a warrant, and they found no undocumented workers. They arrested two workers who were Japanese, but it turned out they were exchange students who had a lawful right to be in this country.

Finally, Mr. President, I have been here, now, 22 years in the House and the Senate. We always find some excuse for giving up basic civil liberties. I think we ought to be very, very careful on this. If there is an overwhelming reason to have an infringement on the fourth amendment that is kind of gray, maybe we should consider it. It ought to be an overwhelming reason. This is not an overwhelming reason to violate that basic constitutional protection.

My hope is the amendment will be defeated. My vote, with all due respect to my friend from Wyoming, will be in opposition to his amendment.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Chair. Mr. President, I join with those in thanking the distinguished chairman of the Immigration Subcommittee of the Judiciary Committee, the Senator from Wyoming, for what is extraordinarily thankless on a subject that perhaps has more controversy than almost any other I have seen since I have been in the U.S. Senate.

I will give my views on the bill that is now before us, the Immigration and Nationality Act of 1996. I come, obviously, along with my colleague, Senator BOXER, from the State most heavily impacted by illegal immigration in the Nation. The presentation of the Immigration and Naturalization Service to the Judiciary Committee showed that California is on a tier all by itself. The estimates on numbers vary, but they go anywhere from 1.6 million to 2 million, 3 million, and even 4 million people in our State illegally, depending upon whom one chooses to believe. Most authorities agree that the right number is in the vicinity of 2 million people in California illegally right now.

One concern is overriding—that illegal immigration is a serious problem. Additionally, it is the responsibility of the Federal Government, not the States, to prevent it. Californians went to the ballot and overwhelmingly approved the most stringent of propositions, proposition 187.

One part of proposition 187 provided that if a youngster is in this country illegally, he or she could not go to a public school. A teacher would have to act as an INS agent and ferret out that youngster and remove him or her from school. Even more strongly, the people said that if the parents are here illegally, that youngster would still be denied the right to a basic elementary school education.

The people of California overwhelmingly approved it. I believe one of the reasons they did was out of frustration, because the Federal Government has not responded to what is an increasing and growing problem.

The bill before us today tackles illegal immigration at the border, mainly by adding strength to our Border Patrol and border facilities. In the past 3 years, the administration and the Congress, both Houses and both parties, have come together, recognizing the

need and beginning to improve border infrastructure, such as lights and infrared-seeing devices, and manpower. And the Border Patrol has, for 3 years in a row, had additions of about 700 agents a year.

This legislation would add an additional 700 Border Patrol agents in the current fiscal year, and 1,000 more for the next 4 years, bringing the total number of agents to 4,700 by the year 1999. That is more than double the entire force that was in place when I came to the U.S. Senate 3 years ago. It would establish a 2-year pilot program for interior repatriation. The reason for that is, people come across, they are picked up, they are held for an hour, they are sent back right across the border to Tijuana. Three hours later, they try again, the same thing happens, and they try again and again. The pilot project would try to determine whether people who are repatriated into the interior of the country are less inclined or less able to cross that border again illegally than those not repatriated to the interior of the country.

The bill would add 300 full-time INS investigators for the next 3 fiscal years to enforce laws against alien smuggling, something that, today in America, is a $3 billion industry.

As a matter of fact, last week, the Justice Department made 23 arrests in California, which showed that organized gangs from New York to California were all participating in the alien smuggling of illegals from China to the United States in boats, transferring them to fishing boats, landing them, providing drop houses, and moving them back to New York.

The bill would add alien smuggling and document fraud offenses to the list of predicate acts under our Nation's racketeering laws, something many Federal prosecutors have told me is extremely important.

The bill would increase the maximum penalty for involuntary servitude to discourage cases like the one we saw recently, where scores of illegal workers from Thailand were smuggled into our country, then put in an apartment building with a fence around it and forced to work in subhuman conditions against their will in southern California.

This bill would strengthen staffing and infrastructure at the border, and it would provide for facilities for incarcerating illegal aliens. It would require all land border crossings to be fully staffed to facilitate legal crossing.

I can tell you that in San Diego, CA, at the border crossing gates, there are hours of waiting. There are 24 crossing gates at this one station. Only one-half of them are manned. Consequently, people engaged in legal, normal commerce sit at that gate and wait, sometimes for many hours, backed up in traffic.

This bill would increase space at Federal detention facilities to at least 9,000 beds. That is a 66-percent increase in detention capacity for the incarceration of criminal aliens. I can tell you, Mr. President, out of 120,000 inmates in the California Department of Corrections, between 15,000 and 20,000 of them are illegal immigrants, serving felony time in California. The cost to the State is literally hundreds of millions of dollars a year.

The bill would create a demonstration project in Anaheim, CA, to use INS personnel to identify illegal immigrants in prison, so that they can be more rapidly deported.

Historically, the way Congress has handled illegal immigration is through what are called employer sanctions. I think the intent—although I was not here, and the Senator from Wyoming knows far better than I—was that the reason most illegals—and I say ''most''—come here illegally is because of the lure of jobs. That is the magnet. Therefore, if you remove this magnet and prevent people from working illegally, you will deter illegal immigration.

In order to work, though, employer sanctions need an accurate method of verifying whether an applicant for a job is legally entitled to work. Up to this point, relying primarily on employer sanctions, the basis on which all illegal immigration is handled in the United States, has been a colossal failure. The reason for the failure is that employers have no reliable way to determine if a prospective employee is legally entitled to work.

Let me explain why. Presently, if an employer is interviewing someone for a job, he or she might say, ''Can you show me that you are legally entitled to work?'' They can present to the employer 29 different documents, under present law. Under present law, no prospective employer can say, ''May I see your green card?'' That is a violation of law. So they must take one, two, three or four of the 29 different methods of identification offered.

If somebody came in to me and I said, ''Do you have an identification to show that you are a resident of California?'' They would say, ''Oh, yes,'' and hold up this card. I would see that it is a California identification card, and its address is Interlock, CA, and it has a State seal on it. It is encased in plastic, and it looks very legal to me. Wrong. This very card is a forgery. Or they might hand me a Social Security card, and I would look at it and see all the traditional signs. The paper looks right, the color looks right. There is a number on it and a signature, just like on my own Social Security card. Could I trust it? No. This is a forgery.

The fact of the matter is that on the streets of Los Angeles, CA, you can buy both of these cards for under $50, and you can get them in 20 minutes, and they can have your photograph printed on them. You can purchase documents there anywhere from——

Mr. SIMPSON. Mr. President, I object to this procedure. This is totally out of order.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator has a right to—

Mr. SIMPSON. It is a crude exercise, a truly crude exercise.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report.

Mr. SIMPSON. What is the status of the present situation?

The PRESIDING OFFICER. A cloture motion has been sent to the desk.

The clerk will report.

Mr. SIMPSON. What is the correct procedure? Is that motion appropriate in the midst of a singular address, at the time of an opening statement with regard to a piece of legislation?

The PRESIDING OFFICER. Allow the Chair to consult with the Parliamentarian.

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

The PRESIDING OFFICER. The Senator does not have the floor.

The clerk will report.

Mrs. FEINSTEIN. I believe I had the floor, Mr. President.

Mr. SIMPSON. Mr. President, the Senator from California has the floor.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dorgan amendment No. 3667 regarding Social Security:

Byron L. Dorgan, Max Baucus, Daniel P. Moynihan, Barbara A. Mikulski, Tom Daschle, J.J. Exon, Joe Biden, Paul Simon, Joe Lieberman, John F. Kerry, Paul Sarbanes, Fritz Hollings, D.K. Inouye, Wendell Ford, Claiborne Pell, John Glenn, Russell D. Feingold.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, before I was interrupted, the point I was trying to make is that no matter how well intended an employer is, it is extraordinarily difficult to tell the difference between real documents and counterfeit documents, and that is what enables illegal immigrants to obtain welfare. They are ineligible for cash welfare programs under Federal law now. However, if they have false documents, they can obtain the very things that they are prohibited from obtaining—whether it is Social Security, whether it is SSI, or whether it is AFDC.

An entire industry of counterfeit documents has grown up in California. The most frequently counterfeited document is a birth certificate. You can pay anything from $25 for a Social Security card to $1,000 or more for a passport, as well as personal identification documents.

These documents are so authentic-looking that employers cannot tell the difference. In fact, it is estimated that tens of thousands of illegal immigrants today receive welfare benefits in California by using counterfeit documents.

This bill makes a major effort to reduce this problem. It reduces the number of acceptable employment verification documents from the current 29 to 6 so that employers are better able to determine which documents are valid. Employers will only have to review 6, not 29.

Also, the bill doubles the maximum penalties against employers who knowingly hire illegal aliens, increasing them from $2,000 to $4,000 for a first offense with graduated penalties for subsequent offenses. Therefore, the bill adds substantial teeth to the employer-sanction laws. It establishes a pilot program to test the verification system under so that employers can readily and accurately determine an applicant's eligibility to work.

The system could also be used to determine an applicant's eligibility for public benefits, therefore, avoiding welfare fraud. It also attacks the serious problem of document fraud by setting Federal standards for making key identification documents, birth certificates, and drivers' licenses tamperproof and counterfeit resistant. The result is that the most counterfeited document, a birth certificate, would be counterfeitproof, as would drivers' licenses.

The bill before us would increase the criminal penalties for document fraud, including raising the maximum fine for fraudulent use of the Government's seal to $500,000, and increasing the fine for lying on immigration documents to $250,000 and 5 years in prison. The bill also denies the earned-income tax credit to persons here illegally.

You might say, is this a strong, tough bill? I would have to say, yes. It is a strong, tough bill. Former Congresswoman Barbara Jordan and the immigration commission which she chaired said this eloquently. ''We are a Nation of laws.'' We are also a Nation that has the most liberal immigration quotas in the world today. No country absorbs more foreign-born people than does the United States of America in the course of a year.

So there is more opportunity for an individual to come to the United States than virtually any other place on Earth. Therefore, because we are a Nation of laws and because we have a liberal immigration system, it is not unjust, unfair, or unwise to require that we follow our laws and make sure that we enforce the prohibition against illegal entry into our country.

The largest source of illegal immigration, next to visa overstays, comes from people who slip across our borders. That is what this bill addresses. The bill also addresses visa overstays. As many as 700,000 people a year overstay their visas. This bill would require that immigrants who overstay their visas either be deported or be denied future visas. So there is some visa enforcement in this legislation.

The need for the legislation has been and will be explained at length over the course of this debate. From the point of view of my State, the problem of illegal immigration is severe. Forty-five percent of the Nation's illegal immigrants now reside in California. That is between 1.6 million and 2.3 million, as I mentioned earlier. Fifteen percent of illegal aliens are in our State prisons. Forty-five percent, or 150,000, of all pending asylum applications come from people in California, and 35 percent, or 40,000, of the 113,000 refugees entering the U.S. claimed residency in California in 1993.

Our county governments are being forced to absorb more and more of the costs of medical care, social services, and incarceration for illegal immigrants, and those costs are going up—not down. In the 1996–1997 fiscal year, California will spend $454 million in incarceration costs for criminal aliens.

So it is fair to say that the State most affected by this bill is the State of California. This U.S. Senator strongly supports this legislation. The need is very clear.

Mr. President, at a later time, I would like to complete this statement, and also at the appropriate time to present a series of amendments that deal with certain unresolved issues.

I have some major concerns about the triple fence in the bill, about the fact that cases brought under the bill be tried in Federal court rather than in State court, and that the deportation documents be written in Spanish as well as in English. I hope I can offer these amendments at a later time.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON addressed the Chair.

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

Mr. SIMPSON. Mr. President, I thank my colleagues for their patience in the procedure intervening there. Without question, I see why you are all gathered at the desk for some reason. Yes. Is there something sinister going on?

Nevertheless, we have a cloture petition which was quite surreptitiously slid to the desk, which was remarkable to watch. I have never seen that in 18 years of my presence here. I have found in my time here that those who remain obsessed about certain aspects of legislation almost always find that that obsessive behavior is often visited subsequently on the perpetrator.

That is not my idea. That is just the way that works. It is always a more genial approach. I visited with Senator DORGAN this morning, told him exactly what the lay of the land was and why. I did not receive that same courtesy.

Enough of that. We can debate that at any time in the future. It seems to me the present status of the issue is with regard to this amendment on the current ban on open-field searches. That is the amendment at hand. I would just add one dimension to that, and then I think we are ready to go to a rollcall vote on that, unless there is further debate. I ask any of those who wish to further debate this issue to present themselves.

Senator SIMON asked a valid question, and I cannot tell you how much I have enjoyed working with that gentleman through the years. We met when we were State legislators in 1971. We kept close ties and worked together here in a very steady, bipartisan fashion.

He asked a question. He wondered if there were denials when INS agents sought warrants to search open fields and inquired if I knew of any.

I do not know of any denials either, but I do know this, that the requiring of agents to prepare an affidavit, find a judge, and get a search warrant has resulted in a great reduction in immigration enforcement in agriculture. That I do know. In fact, it has practically eliminated employer sanctions enforcement in agriculture. Of course, that was the purpose of it. As I say, it was a rather unholy alliance at the time, still perhaps defined as that, when you have the ACLU joining with the agricultural growers, who I found to be absolutely insatitable with regard to everything I ever proposed. It is estimated now that 40 percent or more of the field workers in west coast agriculture are illegal.

Some of my colleagues in the debate have pointed out that although probable cause requires more than mere appearance, immigration officers will search on that basis anyway. I would say, in response to that argument, if immigration officers would be willing to ignore the legal requirements for warrantless searches, why do my colleagues believe that these officers follow the current requirements for a warrant? I believe that we should assume that immigration officers, like other law enforcement officers, generally follow the law. Of course, there are exceptions. We should try to minimize the number of such exceptions by vigorous oversight of INS and disciplinary action against the INS officers who do violate the law.

Mr. President, I remind my colleagues the reason the present ban was added to the law in 1986 was that there was no constitutional right at all of the type that my friend from Illinois, Senator SIMON, had described. That is why only—only—INS officers are required to have a warrant to enter and to search open agricultural fields even when they have probable cause to believe that unlawful activity is taking place, which is the present constitutional standard and the one applied to law enforcement officials in every other Federal or State agency.

Why—and this is the purpose of my amendment—should only the INS officers need a warrant? Of all Federal law enforcement personnel, why should the INS alone and their officers need a warrant even when they have probable cause, and only for agricultural fields? It makes no sense.

That is a phrase that has been used in the debate from time to time, that something may make no sense, and in this event I think this is a classic case of that. Why should every single other law enforcement agency of the Federal Government have this power to do warrantless searches except the INS? The reason: to take care of growers who use blatantly so many illegal agricultural workers and say they are dependent upon them, and if they did not have them, they would go broke.

I have heard that argument now for 17 years. In the course of responding to some of the arguments in the opening statements or comments, let me assure my colleagues that all of this effort here is not the creation of Senator ALAN SIMPSON of Wyoming. Every single thing that has been presented to the body has not been possibly more considered, more debated, more crafted—I do not know what it could be—than this issue because we have had it through the years with the Select Commission on Immigration Refugee Policy.

That is where the ideas came from. That was the Commission in 1980. Some say, where do these things come from? Where does this evil spirit come from?

There is no evil spirit. Everything I have been trying to do with regard to legal immigration is a direct result of the work of the Barbara Jordan Commission. I hope that that will be heard. I notice that sometimes detractors of the legislation will say, ''How could it possibly be that we are turning our back?''

''How can it possibly be that we are so treating these people who play by the rules?''

''How can it possibly be that we could turn our back on the Statue of Liberty?''

Ladies and gentlemen, we are not doing that. Does anyone here believe that former Congresswoman Barbara Jordan would be involved in such an effort? That is absurd and bizarre.

When someone says, ''Well, do you realize this is going to apply to everyone?'' the answer is, yes, it will apply to everyone. When we do this final procedure, whether it is this year or in 6 years or in 10 years, and when we have a more secure and verifiable document and when we have a more secure system, whether it is the call system or whether it is documentation or whatever it may be, of course, it will apply to everyone. If it did not, then it would be truly discriminatory.

If it is some document, are we going to ask it only of people who look foreign? Of course not. It is for people who look foreign and bald Anglo-Saxons like me, too. That is how it works. It happens only twice in a lifetime. You use it when you are seeking funds from a State or Federal Government on welfare or public assistance; you present or go through this verification procedure. That is one. The other one is simply at the time of seeking employment. That is two. That is it. There is no third strike and you are out. That is it.

We hear of the great burden placed on American citizens. Ladies and gentlemen, why do you think proposition 187 came about? It came about because of the great burden on the people of California who are tired of that burden. The greatest burden on the people of the United States is people who are gimmicking and using our systems. That is a lot greater gimmick, a lot greater burden than somebody asking when they go to work—and remember you already do that when you go to work. There is a form called the I–9. It is one page. I hear the argument, what will employers think when they have to go through this exercise? I tell you what they will probably think: ''Thank Heaven somebody came to change the law so we wouldn't have to go through 29 documents. Thank Heaven somebody changed the law so that if I ask a person for a different or additional document, I am not charged with discrimination. Thank Heaven they are going to start working out something where I do not need the I–9.'' That is in this bill. That is what we have. All of these so-called reforms that are sometimes rather negatively portrayed, all came from either the Select Commission on Immigration and Refugee Policy, chaired by Ted Hesburgh, or the Commission on Immigration Reform chaired by former Congresswoman Barbara Jordan. They were not ripped from the air to vex American employers, nor were they ripped from the air to turn our back on our heritage of legal immigration. That is not where they came from. They have a fine-founded, deep-rooted source in the realistic work of two very splendid commissions. I hope that will be recalled in the course of the activities.

I call the question on the amendment with regard to open field searches.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this issue, although a fresh one for Congress, is an issue that has been out there and around for a number of years. It was debated on the floor of the U.S. Senate in 1983 and 1986. I will make some brief comments. I know there have been some excellent comments made by Senator SIMON, Senator DEWINE, and others, but I will just very briefly mention my concerns about what this proposal would do and what it would not do.

It is important to point out exactly what the statutory prohibition against open field searches is about. It does not prevent law enforcement authorities from engaging in searches if they observe criminal conduct such as drug activity taking place. So, if they observe criminal conduct, they can move towards the presence in the field in pursuit of the illegal activity which has been observed.

All this does is it simply prevents INS officials from walking onto a field without a warrant and demanding that workers produce immigration documents. If the INS conducts a search, for example, in the front office, they need a warrant. If they conduct a search in the barn, they need a search warrant. In 1986, provisions simply stated if they do it in the fields, they have to get a warrant as well.

The prohibition against warrantless open-field searches ensures that foreign-looking agricultural workers are not subjected to harassment or unfair treatment simply because of the color of their skin. We know now, by and large, those who are working out in the fields are American citizens, ever since we freed ourselves from the bracero program. There are a number of illegals out there as well. It is difficult to estimate the percentage, to be sure. But, by most observations, the great majority of the individuals who are working out in those fields are American citizens. So we are talking about protecting American citizens.

If, as we said, the search is going to be in the front office or out in the barn, there has to be a warrant. Why? Because we are concerned about the rights and liberties of American citizens. The American citizens working out in the field, if there are observations about activities, there is every legitimate reason and authority to pursue those. But, nonetheless, what we have to do is look at what the conditions were prior to 1986. We see the abuses that were rampant in many parts of the country by the INS, just for the very reasons we are outlining our opposition to the amendment which has been identified today.

This is not just an issue of protection for the individuals. It is also an issue of safety. I will not take the time to read into the RECORD about what has happened when there is a sudden INS raid in some of these agricultural areas in the fields, about trucks moving across the open fields, sometimes in the evening time, and the great distress and the panic that anyone would feel when they are confronted with significant numbers of police authority chasing them through the fields in search of various identity cards.

That happened. That was more the case than not during that period of time. Then, in 1986, we insisted on getting a warrant in order to try to address that issue. I find there has been very little, other than general observations, that would justify going back to the law prior to 1986.

The prohibition against the warrantless open-field searches ensures that foreign-looking agricultural workers are not subjected to harassment or unfair treatment simply because of the color of their skin. Those who support the repeal of the statutory ban contend that the fourth amendment provides sufficient protection against the unreasonable searches of agricultural workers. This is simply not the case. Nor is the fact that INS officers, without this provision, would be able to enter open fields with impunity and be able to ask

anyone for identification. The fourth amendment was around prior to 1986, and this is when all these abuses occurred.

The reason for this warrant has been well documented in the abuses that took place prior to 1986. If anyone goes back and reads the record during that period, there is page after page about what was happening out in the fields and the real issues of safety for many American citizens who were working in the fields at that time as a result of these kinds of raids.

Since then, we have had the warrant. I do not believe the case has really been made in the course of the hearings that that has really impeded the effectiveness in trying to deal with the fundamental issues of jobs in the workplace. We are working on that issue. We have provided very important, I think, additional steps, both in trying to reach documents in terms of the antifraud provisions that have been built into this legislation, including the pilot programs that will be initiated to find out what is effective, and in protecting American workers from displacement or as a result of foreign workers. The prohibition against the warrantless open-field searches is working well. It is a necessary safeguard against the abuses of individual rights. We should retain it.

I have a more extensive comment upon that measure, which I will perhaps get into later on, or include it as part of the RECORD.

Mr. President, it is now 2:30, 20 minutes of 3. We have been on this legislation since 10:30 this morning. We have taken a number of the amendments, half a dozen amendments that might have been found to be not germane if we moved toward cloture. I know there are others as well, and those are important, extremely important, measures. I think the Senate should address them at some time on the basis of their merits. But we are in the situation now where we have a cloture motion that has been entered on the Dorgan amendment that will ripen, based upon the Senate schedule, probably an hour after we go into business on Friday or at a time when the majority leader effectively chooses, based upon his ability to move toward this measure.

We are faced, again, with the situation that if we move toward a cloture motion—for example, say, we were able to move it on the underlying amendment—that would have to be done prior to a cloture motion on the bill. Because if we put a cloture motion on the bill, all that we have done today would effectively be discarded. So we would need to have a cloture motion on the underlying amendments in order to have them acceptable, so that we would have them irrelevant. Then you would need a cloture motion, and if that was not taken, or if we did get it, there would still be 30 hours on that proposal and then you would get a cloture motion on the underlying legislation on which there would be some 30 hours.

So we have ourselves now wrapped into a situation in which, I must say, in terms of the overall progress on this legislation, even though we have spent the full day on it, is difficult really to perceive what is being accomplished. Even if we continue to go on to additional amendments that would be offered, we would, by necessity, have to address the Dorgan amendment first. Or there is the possibility of possible disposition of the Dorgan amendment prior to the time that we would move toward other action.

That is really a question and issue up to the majority leader. But I am reminded now as we come to a quarter of 3 in the afternoon, that we are going to be voting cloture on the Dorgan amendment. Even if they get cloture, we would still have some period of time before we would be able to move to these other issues. If we get cloture on the underlying amendment, which has been amended today, there still would be a period of time for Senators to comment on that before we ever got a cloture motion on the bill itself, and all because we have not had the ability to get a limited period of time to vote on the minimum wage, effectively, and Senator DORGAN's as well. We will have spent all of this time, whichever amount of time that we have that is now going to be required for Senate action—and I am prepared on these matters to vote. I would like to speak and address the Senate briefly. But I think, as we see during the course of the day, we have not trespassed on the Senate's time.

Basically, on the earlier amendments, we were making brief comments in support of them. These are measures which we have debated and discussed during the course of our own deliberations. As a matter of fact, this amendment, I think, was rejected in the Judiciary Committee when it was addressed by the members of the committee. So these are not really new issues for many of us on the Judiciary Committee, very important measures for all of the members. But many of us have—all of us, I think, on the committee have—taken positions on it.

So, we are quite prepared to justify those positions, raise some of our concerns, and move forward. But because we are denying at least a 1-hour consideration—we could cut that even further on this legislation—or giving us a time definite on a clear bill on the minimum wage with time allocated, we have effectively spun the wheels of the Senate during the course of the day. We will be coming back to revisit these measures, as well as the underlying measure, as well as the Dorgan amendment because of the cloture motion, in the next several days.

So it gets back to the question whether we are going to do this nicely or not do it nicely. We are quite ready to try to work out a time definite for a vote on the minimum wage and to do it with a short timeframe. I know the Senator from North Dakota is prepared to do that, to move ahead in terms of all the different amendments on this legislation and consider those. I certainly would support that way of proceeding.

But, effectively, all of our interests and all of our rights are being shaved because of the unwillingness of the majority leader, in this case, to give us a chance to vote on this measure. Here we are at a quarter of 3, having thought we were really making progress, and finding ourselves tied up on an issue which is of enormous importance and in which the Senator from Wyoming and the Senator from California and other Members have spent a long time and understand how important it is as an issue for this country.

So we are caught in this particular dilemma. We are caught in the dilemma where we want to see action or resolution on the illegal immigration, but we also feel that we ought to be able to have a short time period set aside to speak to the issues which are of fundamental economic importance to 13 million American families. We think their interests are important, too. We think their interests should at least demand a half hour or an hour of the Senate's time this afternoon. We think their interests should be addressed in a reasonable way or an agreement made that, if not upon this bill, that we will be at least afforded an opportunity to do it as a clean bill so as not to interfere with the ordinary deliberations of the Senate.

We have had brief discussions and comments earlier today about why we did not bring this up before. We have explained about those major issues that we were addressing in the last Congress, the comprehensive health program that would have made about a 40- or 50-cents-an-hour additional benefit to workers. The workers themselves and working families have said they would prefer that measure to just the increase in the minimum wage. After we had disposed of that, unfortunately, the workers themselves were left further behind, and now it gives an additional sense of urgency for the increase in the minimum wage.

A number of us over a year ago began the process of raising this issue in sense-of-the-Senate resolutions, as amendments, or wherever we possibly could. Each and every time, even though a large number of the Members of the Senate supported the Senate addressing this issue—and on the last vote that we had, we had Republican and Democrat Senators alike; a majority, including unanimity among the Democrats and a very strong group of Republicans who indicated that they supported it. Raising the minimum wage is the majority will of the Senate.

We are just asking for the Senate to be able to make a statement, make a judgment. We may be successful; we may not be. But I do believe that we are entitled to a determination of what the will of the Senate is on that particular issue. So, we are caught in this

situation where we effectively are being denied that. But we are still asked to go ahead and consider some of the measures on the immigration bill.

On the one hand, they are saying, look, why are we not just going ahead on the immigration bill and trying to move ahead? And on the other hand, we are asking, at least—we are quite prepared to move ahead on immigration, but at some time, somewhere, somehow, we ought to be permitted to get a time where we can address this question of the minimum wage.

None of us were denied the opportunity to make some progress this morning on some of these measures. But at some time we have to ask ourselves, when and who is going to speak for those Americans and American families that are on the bottom rung of the economic ladder and speak for them to make sure that their economic interests are attended to? We continue every single day—every single day—to read more about corporate profits and corporate salaries. We read about the increasing accumulation of wealth in the top 1 percent, 5 percent. We have come to understand the continued loss of those working families that are on the bottom rung of these matters.

We have seen in the last 20 years a 25-percent increase in productivity and about a 25-percent reduction in terms of purchasing power for workers earning the minimum wage, which is completely incongruous.

What is most troublesome of all, Mr. President, is when we have had this issue that has been before us and where we have had statements, ''Well, we're trying to work out a process to be able to address it,'' we have the majority leader in the House of Representatives coming up today—and it is printed in newspapers all over this country—who says, ''Well, we've got a new way of addressing the economic problems of the needy in our society. What we are going to do is abolish the earned-income tax credit,'' which President Reagan had indicated was the best program to address the problems of poverty in this country—strong support by a Republican President.

We have the statements that were made by Mr. Armey that we are going to phase that down and collect $15 billion in the next 5 years, 5 to 7 years—$15 billion. We know where that is going to be collected from with the elimination of the earned-income tax credit. That is going to come from these same working families that are eligible for the increase in the minimum wage. Then what we will do is we will still keep the minimum wage where it is, but we will develop a massive new subsidy entitlement program that will be run by the Internal Revenue Service that will provide the difference between the $4.25 and the $7 or $8 an hour depending upon how many children the particular worker had, which would be basically a subsidy to these industries—a taxpayer subsidy to the industries. It would cost the taxpayers a great deal more because they would have to provide for the funding and the resources to be able to pay that subsidy, and at the same time instead of letting these families rise out of poverty, which effectively would reduce their ability to draw upon the various safety net programs, because their incomes would move up to be too high. If we raise the minimum wage, on the other hand, they would go out of those safety net programs and thereby be less of a drag on the American taxpayers because they would then no longer be eligible for these programs. So we would save tax revenues there.

That is an important part of this whole proposal. By providing the increase in the minimum wage, we would be cutting some in those safety net programs by moving people above the eligibility thresholds. They would be making more than they had been, so they would not be eligible for support systems. That saves funds and resources that would have to be paid in by American taxpayers.

But, no, our Republican friends say, no, we will leave it at $4.25. We will draw down some $15 billion from these same families. We will put in place a new entitlement program run by the Internal Revenue Service. When I heard that I was so surprised that the leaders of the Republican House who have been spending all of their time castigating the IRS, now believe they can run a complicated program that will pay so much an hour to someone that has one child, so much an hour to someone that has two children, if they are married, so much, so much if they are separated, and follow this monthly, evidently, across the landscape wherever these needy people are going to be—imagine the bureaucracy that will be needed, imagine what the costs will be for that bureaucracy, and what it would mean for these people.

Mr. President, this is a wonderful, wonderful program because as Mr. ARMEY pointed out, they would save $15 billion out of the earned-income tax credit. The value of the increase in the minimum wage is $3.7 billion in one year. For those people that say that this is an inflationary kind of impact, $3.7 billion in 1 year when the total GDP is about $7 trillion, and our budget, $1.65 or $1.7 trillion we are talking about—of course it is not inflationary. We are talking about $3.7 billion that will be added to the value of good work, for working families in this country.

There is another reason that I believe it was urgent to bring this measure up on the floor today. We do not see, really, any interest by the leadership, the opposition leadership, in trying to work out, at least, some important and responsible alternative.

I am basically opposed to trying to compromise this measure any longer, because quite frankly, when my initial proposal was advanced, it was for three 50-cent increases with an inflator to correspond to the increased cost of living.

What did we do in terms of compromising that effort to try and bring people together on it? We said, ''All right, we will drop the third year even though by that time it will be justified merely to maintain the cost of living. We will put that aside, and beyond that we will put aside the cost of living inflator as well. We will put those two aside.'' Mr. President, that was a painful decision in terms of trying to protect the purchasing power of working families.

Now we are being asked to say, ''All right. Just wait around a little while. Sometime when we get ready to do it, we are going to do something. You will get a vote on something that will deal with wages, something that will deal with some other matters that you might not like.'' That is generally the way it is put. ''You might not like the combination of things we put together but you will get your vote.''

We reject that out of hand. Working families ought to reject it because that is failing to provide the kind of respect for those families that they deserve. You are toying with the lives of those families that are at such high risk today. So many of those, Mr. President, are women that are out there, working, and working hard, and the impact of the increase in the minimum wage is very, very important in terms of their children.

This is basically a women's issue and basically a children's issue. There will be 7 million females that will be affected; 5 million of those are adult women. Four million of those women are 25 years of age or older. Of the 12 to 13 million that will be affected, 4 million will be women 25 years of age or older. We find when we study this measure, when we look at those that are heads of households and those that are being affected or impacted by this, we find that, once again, it is the great majority of women that are the ones that are affected.

Mr. President, 60 percent of all the women who are working to earn the minimum wage are married and 23 percent are single heads of household. That represents 2 million women who are the heads of household with children. It is almost unbelievable that any person in this country who is a head of a household, single, woman, dependent on the minimum wage at $4.25 an hour is going to be able to make it for herself and for her children. And this is at a time when we have seen our own earnings here in the Senate increase three times since the last increase in the minimum wage. We see where corporate income has gone up 23 percent in this last year alone.

Mr. President, in all of the reports that we have seen, even as of this morning from the Council of Economic Advisers, all of them describe how well this economy is basically doing, how sound it is today. We did not have nearly the strength in the American economy in 1989 that we have at the present time. At that time we had

President Bush supporting this measure and a majority of the Republicans, including Senator DOLE, Congressman GINGRICH, supporting the increase of the minimum wage. What has changed? We have the real purchasing power now for those workers being as low as it was in 1989, when the economy was not as strong and when we still took action on the minimum wage. Why not now?

One of the arguments, of course, is that we will lose jobs. This is very interesting, Mr. President, because sometime in the future we will talk about the various studies, 12 in all, that show just the opposite. I will not take the time this afternoon to get into them, but if you look at the various studies that have been done with regard to the minimum wage, you cannot make that case about losing the jobs. You can take a more important relevant factor, and that is what is happening in the States recently.

My State of Massachusetts, over the objection and over the veto of our Republican Governor, increased the minimum wage by 50 cents. What has happened since the increase took effect in January of this year? What has happened is unemployment has gone down in Massachusetts, and unemployment in our neighboring State of New Hampshire, which did not raise it, has gone up.

I hope we will have a chance to debate those issues about loss of jobs. It is always interesting to hear those who are opposed to an increase in the minimum wage saying, ''I am concerned about those young minorities and all those Americans that are needy. We want to protect them.'' All you have to do is look at the studies that are out there, about what they want—94 percent of them want an increase. They are prepared to see an increase in the minimum wage because they do not believe, as I do not believe, that it will threaten their job.

Imagine you had over 120 million Americans working.

If you took 100 people that were making the minimum wage today and said it will be a 1-percent loss of jobs, but you can have a 25-percent increase in your pay, what do you think their reaction is going to be? ''We want to get that increase, and we will take our chances.'' We believe that job loss is a myth, as has been demonstrated in study after study. Job growth is happening in my own State of Massachusetts, and in other States, and nationally we will be able to see an expansion of the job market, which has been true in many cases.

So, Mr. President, we find that the case is compelling. We have the various studies about the minimum wage, about what has happened historically on this minimum wage, going back to the year 1949, on the issues of job growth or job loss. We went, in 1949, from 40 cents to 75 cents. The national economy improved from 5.9 unemployment to 5.3 percent. In 1955, it went from 75 cents to $1. In 1961, from $1 to $1.15. Unemployment decreased from 6.7 to 5.5 percent. It went from $1.25 to $1.40 in 1967. In 1974, it went from $1.60 to $2. Despite a recession, retail employment increased from 1978 to 1981. Employment increased by 8.3 million jobs and 1.4 million retail jobs. From 1990 to 1991, a recession that was underway quickly leveled off.

Mr. President, I do not believe that those statements and studies that proclaim the dangers of job loss can really be justified. They certainly cannot in terms of the history of the increase in the minimum wage. Mr. President, all you have to do is look at this chart here, which demonstrates the increase in the total number of jobs, up to about 118 million jobs from 108 million in 1991.

Since we had the increase in 1991, we have seen the steady increase in the total employment numbers. And look at what has happened in the most recent times, in my own State of Massachusetts, and look at what happened the last time we increased the minimum wage.

Mr. President, this chart is another indication about what has been happening. This is from 1979 to 1993. ''Growing apart. Real family income.'' This is what happened in terms of America's working families. From 1959 to 1970, each of these groups, the bottom 20, second 20, and mid 20, all across the top all moved up together. From 1980 to 1993, we have seen a growing apart in America. Those on the bottom rungs have been falling further and further behind.

Mr. President, you can see on this chart here about what has been happening to the purchasing power of the minimum wage. In constant dollars, you go as high as $6.45 in 1966, and $5.95 in 1976. It went up a small amount in 1990–91 as the increase in the minimum wage took effect—some 90 cents, and since that time, it has been dropping. It would, today, be right down there at the lowest level in 40 years. That is measuring the real purchasing power.

At the same time, Mr. President, here we have the difference between what has been happening to the Dow Jones Industrial Average, somewhat below 2,000 here, and up over above 5,000 now. This is between 1979 and 1995. This is good. This is an indication of economic strength and growth. We are glad these are the circumstances. But, on the other hand, look at what has been happening, in purchasing power, to the minimum wage. As the Dow Jones has been going up in that very steep rise, we see the real minimum wage going lower and lower.

Mr. President, this chart here shows what is happening to the real pay of workers, and in terms of the CEOs' pay. ''Green Tree is a Money Tree.'' ''$65.6 Million Package Angers Compensation Critics.'' These are newspaper articles. We find these extraordinary increases.

Mr. President, compare CEO pay with what happens in a minimum wage family. Three weeks of earnings. This chart indicates the $510 a minimum wage family would have earned compared with the tens of thousands of dollars a CEO of a major company would have earned and the dramatic disparity that has taken place.

Here are the final two charts, Mr. President. Wage earners from $4.25 to $5.14. Who are these individuals? What you see here is 31 percent are 16 to 19 years old. Over 20 years of age, almost 70 percent.

Mr. President, if you take the total value of earnings of the 90-cent increase in the minimum wage, 76 percent of that money will go to a family that is below the average income for the Nation. That is, 76 percent will accrue to families in the lower half of incomes.

That is an important figure. I do not believe it is as dramatic as the 2 million American women that are single heads of households with children, trying to make a go of it, but it is dramatic.

This chart shows 60 percent are women and for men, some 40 percent. Again, it is an issue for women, an issue for children, and it is an issue of fundamental economic justice. This Senate is familiar with this issue. It is uncomplicated. We have debated it and discussed it. It is time that the majority leader gives us a time to vote on a clean bill with time limits.

Mr. SIMPSON. Mr. President, I will inquire of my friend from Massachusetts, Senator KERRY. How much time do you require?

Mr. KERRY. I ask my friend for maybe 10 minutes. I do not think I will use it all.

Mr. SIMPSON. I am trying to get a unanimous-consent request to a time certain for the vote on this amendment. So if I might get Senator KENNEDY's attention. I am trying to obtain a unanimous-consent agreement that a vote occur on or in relation to the pending amendment at the hour of 3:40, or at a time when the group returns from the White House with regard to the activities in the signing of the antiterrorist bill. Would that be appropriate at 3:40 so our Members might be apprised of this?

Mr. KENNEDY. Well, Mr. President, I will consult with the leadership to find out what the disposition is. At that time, I will report immediately to the Senator. They will not be returning until 3:30 or 3:45, Republicans and Democrats alike. So we are in a situation where we are not in a position to make the judgment at this time. As soon as the leaders return, we will consult with them to find out what their disposition would be in terms of this issue.

Mr. SIMPSON. The pending business is the amendment. Let me respond briefly to the remarks of Senator KENNEDY. I am fully aware—I think all of us are aware—of what this is. It is, again, an attempt to drive the issue of minimum wage into the work of the

U.S. Senate. There is nothing else to this. I referred to it earlier in the day as somewhat like theater, with myself in the role of Puck and Senator KENNEDY in the role of King Lear. It is about class warfare.

It is about the rich versus the poor. It is about poor women and poor children. Ladies and gentleman, if we cannot grasp the issue of what we are talking about—we are talking about an issue which on one side the economists tell us that, if it passes, employers will quit hiring anybody.

I love the debate about human rights. It is a touching thing. But the best human right is a job. You do not get a job if the employer is not hiring people.

It is always stunning to me that some—I do not attribute to a person in any sense—but some who have this strange feeling that they love employees and hate employers. Employers employ employees.

I heard one part of the debate several days ago that the taxpayers are not going to pay this—that the employers are going to pay it. Well, who are employers? Employers are taxpayers.

It is the most remarkable flight of phantasmagoria, whether it is spun—whatever way you spin it—or whether we do it nicely, or whether we have to do it harshly, or whether we just watch a continual obsessive activity with two amendments that everybody knows are good stuff. It is pretty molten right now—dealing, mix them while they are hot. And they are molten, and everybody is watching. But that is really not the way it is.

What we ought to do is just get right with it because if we do not America will stop, and we will be dealing with illegal immigration in a separate matter.

I am not obsessed with illegal immigration. Let me say that. If you want to bury the dead right now on that, that is fine with me. I do not think the issue will go away. But I want the RECORD to be very clear where the sponsor of the legislation is. And the sponsor of this legislation is saying you can do anything you want with this. I have plenty of work to do. I am missing a hearing today on veterans that I was to chair as chairman of that committee.

I am stunned at the essence of the debate and the class warfare aspects about it.

So I just want to throw into the mix so we all chomp around on it. It is like bear meat. The more you chew it, the bigger it gets.

I know this is shocking. We should not really ever do this. But the Congressional Budget Office reports. Guess who pays the taxes in America? Who pays the most taxes? The rich. I know that is a shocking thing. I wish I had not said it.

So let us just put it in. The top 1 percent of all tax, the top 1 percent of the people in America, pay 15.8 percent of all taxes. The top 5 percent of all the rich in America pay 31 percent of all taxes. The top 10 percent of all the ugly rich in America pay 42.7 percent of the taxes. And the top 20 percent pay 59.2 percent of the taxes that fuel the Government of the United States. And most of them are called ''employers.'' I guess the rest of them are called ''rich.''

But I have always had a philosophy that we should not talk about the rich versus the poor. We should not talk about hitting them a little more. What we should do is confiscate every cent of those on the Forbe's list and the Fortune 500—take it all, every stock certificate, every Treasury bill, every yacht, every ranch—and guess what? It would be about $349 billion, and would run the country for 83 days.

It is absolutely bizarre to hear exercises of that nature with regard to the rich versus the poor while the real issue is how do you get a job and how do you keep a job? If we are talking about the women, the children, and all the rest of it in theater, then let us let the American people know. No wonder they look at both sides and all of us in these types of debates and say, ''I mean, I cannot believe it.''

Does anybody here think that those—some of us—over here care less about children, or less about women, or less about men, or the poor? Bizarre, absurd, and offensive, best described as absolutely offensive that somehow those of us on the other side of an issue are simply uncaring, and do not have any compassion. That is balderdash of the first order.

And I guess, as someone said, ''minimum wages'' mean minimum jobs. As one person said, they say there are 8 million new jobs. I know. I have three of them.

So that is where we are. But where we really are is dealing with illegal immigration and that is going to be difficult enough.

I just have been advised of a remarkable thing which I will put in the RECORD—a news release that the INS has given us phony figures on legal immigration. Instead of 800,000, it would be closer to 1 million, and here they were—their minions were giving us a press conference the day we are debating this bill on March 28 so that everybody could read up and see how we are diddling America. We do not need to do anything up here because the report released that day said ''widely circulated.'' Oh, indeed it was. They said, ''Well, we reported what it was. We just did not spin the future.''

So they have left us now with a situation under any scenario where legal immigration is going to go up a million a year, and that they have lied to us and given us phony figures that there are at least 100,000 to 150,000 persons a year off.

So now we are going to have that debate. Somewhere along the line we are going to have an honest debate about honest numbers. I think the people of America will demand that. I would like to know how anyone is going to get around addressing that issue with this kind of Jim Crackry, and it is extraordinary. It is hard to imagine.

I cannot imagine my friend, Doris Meissner, being part of that. I am sure she will have an opportunity to explain her position because there will certainly be hearings that will be joined in a bipartisan way on that particular bizarre and false information which was to prevent us from doing anything in the law to lower legal immigration because they, bless them, were doing it themselves, and they lied. That is another one in this line of work that goes with our particular conduct.

So now I ask unanimous consent that the vote occur on or in relation to the pending amendment 3730 at the hour of 3:30, and, further, that time be divided as follows: Senator KERRY, 10 minutes; and Senator DEWINE, 5 minutes.

Mr. CRAIG. Mr. President, reserving the right to object.

Mr. KERRY. Reserving the right to object, those times go beyond 3:30. It is contradictory. If you have 5 minutes and 10 minutes, it goes beyond 3:30. Therefore, if the order is set for 3:30, to fill the time we do not vote at 3:30. The unanimous consent request asked for a total of 15 minutes and it is now almost 20 after. I am trying to reconcile.

Mr. SIMPSON. I amend my request to the time of 3:40.

Mr. KERRY. Thank you.

Mr. CRAIG. Reserving the right to object, Mr. President, I must tell the chairman that I am opposed to this amendment. I need the time to express that opposition, and I would ask for 5 minutes to do so.

Mr. SIMPSON. Mr. President, that is perfectly appropriate. We have been holding the amendment open and asking for those who wished to debate it, and Senator DEWINE has been good and vigorous in that. I appreciate having the participation.

I would expand the unanimous-consent request to 3:45 for an extra 5 minutes for the Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate the chairman for accommodating me. I have been chairing the Veterans' Committee in his behalf. I thank him very much.

Mr. SIMPSON. Now wait. That deserves a little added comment, Mr. President. He indeed can have any time he wants.

Mr. CRAIG. I thank the manager.

Mr. SIMPSON. I was required to chair a hearing and could not do that, and my friend from Idaho graciously agreed to do that with the Secretary of Veterans Affairs. I deeply appreciate that. Here I am urging him to come forth and he was doing my work. My abject apologies. I appreciate what he did do for me today in every respect.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Wyoming? The Chair hears none, and it is so ordered.

Mr. KERRY addressed the Chair.

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

Mr. KERRY. I thank the Chair, and I thank the Senator from Wyoming.

Mr. President, let me respond, if I may, to a couple of comments made by the Senator from Wyoming. I am pleased to support the efforts of my senior colleague from Massachusetts, Senator KENNEDY, and I thank him for his persistent efforts to try to push this on the agenda. I regret that the reaction of my colleague from Wyoming is to suggest that raising the minimum wage is somehow not an appropriate effort in the Senate; that it is intruding on business of the Senate.

Raising the minimum wage is the business of the Senate. It is the business of the Senate particularly when you consider the fact that all four of the amendments approved for debate are amendments of the Republican Party. In effect, what is happening here is that the legitimate process of the Senate under the rules by which amendments are permitted, are part of the business of the Senate, the minimum wage is being closed out by parliamentary tactics of the Republican Party that does not want a vote on it.

I would suggest respectfully to my friend that this is not an issue of class warfare. There are countless rich people in America who support raising the minimum wage. There are countless people at the middle, at the upper, and at the very top level of our economy, all of whom believe that it is fair to raise the minimum wage.

I ask unanimous consent that an article which appeared in the Wall Street Journal, which one might have thought would not have articulated such an opinion, on April 19, last week, be printed in the RECORD. It is an article which says, ''Minimal Impact From Minimum Wage. Increase Won't Have Much Effect on Economy.''

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

[From the Wall Street Journal, Apr. 19, 1996]

MINIMAL IMPACT FROM MINIMUM WAGE INCREASE WON'T HAVE MUCH EFFECT ON ECONOMY

(By Jackie Calmes)

WASHINGTON.—Here's an economic prediction should Congress, as suddenly seems likely, raise the minimum wage: The costs will be smaller than opponents suggest, just as the benefits will fall short of supporters' claims.

While nearly all economists agree a minimum-wage increase can theoretically cost jobs and spike inflation if some employers cut payrolls or raise prices in response, they add hastily that actual effects depend on the specific proposal at hand. And President Clinton's relatively modest call for a 90-cent increase over two years, to $5.15 an hour, would have little negative impact, most agree. The same would be true if a liberal Republican proposal for a $1 increase became law.

But even if such increases wouldn't hurt the economy, they likewise would do little to help average workers even though Democrats have made the issue a fundamental part of their response to the problem of continued wage stagnation. Labor economist Gary Burtless of the Brookings Institution, a proponent of the minimum-wage increase, says flatly, ''It's not going to help the middle-class worker.''

Whenever an increase is the issue, some conservative economists and lawmakers always are tempted to refight the original Depression-era battle over whether there should be such a law in the first place. ''I find it hard to support an increase in the minimum wage at all,'' says economist Marvin Kosters at the American Enterprise Institute.

But on the narrower question of the increase now proposed, a broad range of economists generally come together. That is illustrated by the endorsement from 101 of them, including several Nobel laureates, of the president's initiative. They concluded the overall impact on workers and the economy would be positive.

Likewise, Chairman Joseph Stiglitz of Mr. Clinton's Council of Economic Advisers cites the modest level of the proposed increase and the declining value of the current $4.25-an-hour rate, now at a 40-year low in buying power. He says this explains why his current support for an increase doesn't contradict the negative things that, as a university professor, he once wrote about the minimum wage in an economics textbook.

Yesterday, at a meeting with House Democrats, Treasury Secretary Robert Rubin said a moderate increase would have ''no statistical effect on the economy.'' He called the proposal ''without question . . . the right thing to do four our economy.''

Still, there are costs; the question is how much.

Lawrence Lindsey, a governor at the Federal Reserve Board, says internal staff studies suggest a 90-cent increase would reduce employment by about 400,000 jobs over the long term. And that could have implications for inflation, he said. Assuming roughly half of those who lose jobs join the ranks of the structurally unemployed, the ''natural rate'' of unemployment—that is, the rate below which inflation begins to accelerate—would rise somewhat. And Fed Chairman Alan Greenspan recently told a House subcommittee, ''I think the evidence is persuasive'' that a boost in the wage floor increases unemployment.

John Taylor, an economics professor at Stanford University who was a member of President George Bush's Council of Economic Advisers, says of a minimum-wage increase, ''I'm pretty much of the view, having looked at it and written about it, that it costs jobs of low-skilled and minority workers.'' Of the specific proposals on the table, he says, ''This is not as bad as raising it to $6, but it's still going to cost jobs.''

And just last month, House Majority Leader Dick Armey of Texas dismissed the idea that Congress would vote to increase the minimum wage, snapping, ''I'm not interested in increasing the number of nonworking poor.''

But Mr. Burtless argues, ''When the minimum wage is as low in relationship to average wages as $4.25 is now to average wages in the United States, then even a rise of $1 an hour is not going to dis-employ that many people.'' Moreover, he says the effect on inflation would be small because, he has calculated, the pay of minimum-wage employees equals less than 1% of all compensation paid to U.S. workers.

At Harvard University, economics professor Lawrence Katz says ''there are no ways of improving the conditions of poor or low-wage working people that don't have some costs or some distortions.'' But he says the current low minimum wage argues for ''a modest increase,'' adding that ''the evidence suggests that the gains to low-income working people outweigh the employment costs.''

Meanwhile, the current debate has heightened attention to a recent study of Princeton professors Alan Krueger and David Card, who found no drop in employment among New Jersey's fast-food restaurants after the state raised its minimum wage in 1992 by 80 cents, to $5.05 an hour. (New Jersey is one of 10 states that have set minimum-wage levels above the federal standard.) Critics have challenged their methodology but, Mr. Krueger says, ''most academic studies find very little or no job loss. Indeed, about two dozen impartial academic studies have found insignificant evidence of job loss.''

So who benefits? Last year just over 5% of workers were paid the minimum wage. Economists generally agree those making just above the minimum wage, up to $6 an hour, could see a bump in pay as an indirect consequence of a minimum-wage increase. The liberal Economic Policy Institute estimates that 11.7% of the work force, of about 12.2 million people, make between $4.25 and $5.15.

* * * * *

Mr. KERRY. In fact, 101 economists have all signed a letter, three of them Nobel laureates, suggesting this would have absolutely minimal impact just as it has since 1938.

It is not as if we are suddenly coming to the floor and debating some new concept in America. This was passed in 1938, and it has been passed again and again and again, that we have increased the minimum wage. On some occasions we have increased the minimum wage when it has been worth more than it is today. It is now worth 27 percent of what it was in 1979. If we let it go to the end of this year, it will be at a record 40-year low.

Leaving aside rhetoric about rich and poor, let us consider the rhetoric of work, the rhetoric of getting off welfare, the rhetoric of the values of our society. If you are going to value work, you have to pay people a fair wage for the day's work. What we are effectively saying, if we are going to ask people to vote below the level of poverty, is that we do not believe that a day's work in the United States is what it has been worth since 1938 or at those periods where we have raised the minimum wage to reflect what we thought it ought to be with respect to that day's work.

Someone in my office was walking down to Union Station for lunch today and on the way back bumped into a panhandler and had a conversation with the panhandler, and asked him, ''How much do you manage to collect out here during lunch hour?'' He said, ''I usually make about six bucks out here during lunch hour.''

So what the Republican Party is suggesting is that people ought to go to work for a wage that is worth less than a panhandler can make in 1 hour during lunch hour near the Nation's Capitol.

Is that a value of work? It seems to me, Mr. President, that if we are going to tell people you ought to get off of welfare and you ought to go to work, we ought to reflect the reality of who is working for what in this country. The fact is that, of those people on the

minimum wage, 62 percent of the people on the minimum wage now live in a household in which someone else is also working. The vast majority, 46 percent, of those people in the work force in America are women; 60-plus percent of those working for the minimum wage are women. They are not teenagers; they are people out there struggling to try to work to break out of poverty.

The fact is that you can work at the minimum wage in the United States today for the full 40-hour week without health care, without a pension benefit, without any of the kinds of benefits that most workers get, and you are working at three-quarters the rate of poverty. The maximum salary you take home is $8,500 a year. Our Republican friends seem to suggest it is OK for people to work for $8,500 a year and it is OK for them simultaneously to suggest taking away $32 billion of the earned-income tax credit over a 7-year period.

So they want to have it both ways. They want to suggest that they can give a $245 billion tax break, most of which—these are not our words; this is the result of their construction—most of which goes to people who already have money. It is just a fact. If you are earning $300,000 a year, in the Republican tax break, you get about $12,000 a year. But if you are working at $30,000 a year or less and you are getting the earned-income tax credit, your taxes go up.

That is not class warfare. That is just a fundamental question of fairness. Is it fair to give somebody who earns $300,000 a year $12,000 more and take away money from somebody earning $30,000 a year? The theory of that is that if you do make a lot of money and you work harder, you ought to make a lot more, but if you do not make a lot of money and you work harder, you ought to earn less. It is the most incredible equation I have ever heard of in my life.

We are going to raise the minimum wage sometime around here. We are going to do it. We are going to do it because this issue is not going away. It is just like in the past. In 1989, we finally raised the minimum wage. Eighty-six Senators joined together to raise the minimum wage. All we are trying to do is get it back to that level when 86 of us were able to agree that it was the right thing to do. We will raise the minimum wage, but it will be after an extraordinary amount of expended political capital and energy and, frankly, wasted time. Ultimately, we are going to come to some kind of agreement around here because that is ultimately what I think most people will agree is fair.

The last time we raised the minimum wage—it is very interesting—Senator DOLE, the majority leader, said and I quote:

> This is not an issue where we ought to be standing and holding up anybody's getting 30 to 40 cents an hour pay increase at the same time that we are talking about capital gains. I never thought the Republican Party should stand for squeezing every last nickel from the minimum wage.

But here we are in 1996; it is worth less, and yet we are not just squeezing every nickel from it; we are squeezing every penny out of it at the very same time Republicans are talking about a tax break for a whole lot of people who make a lot more money than people on the minimum wage.

Mr. President, I do not think we ought to be talking about rich versus poor. We ought to be talking about basic economics and what is good for the Nation. Every decade we have debated this you hear the same arguments. People come back and say: ''Oh, you can't do this because we are going to lose jobs.'' But in fact we do not lose jobs. America keeps growing. America gets stronger. America is creating more jobs.

The fact is that studies have shown, for instance, in New Jersey, when New Jersey raised the minimum wage, measured against Pennsylvania, the argument was, ''Oh, don't do this because Pennsylvania will have an unfair advantage, and all the jobs are going to go across the border to Pennsylvania.''

Well, lo and behold, Messrs. Card and Krueger did a study, Princeton University did a study, Rutgers University did a study, and it showed that jobs increased. We have had testimony from chief executive officers of businesses who not only pay the minimum wage but they also give full health care to their workers, and they find that their business grows, they prosper, and they are able to actually hold on to people because they treat them decently.

So I think this is an issue, the time of which has come, because the minimum wage is simply worth less than it was worth a few years ago. If we do not raise the minimum wage, we will have reached the unconscionable fact in this country that it is at the lowest it has been in 40 years at the very time that people are making the most political hay out of the rhetoric of going to work, getting off welfare, and living out American values. American values also require fairness. I hope we are going to have that fairness in this debate somewhere in the next days.

The PRESIDING OFFICER. The Senator from Idaho is recognized for up to 5 minutes.

Mr. CRAIG. Mr. President, I come to the floor in opposition to the amendment that we will soon be voting on, that the chairman of the committee has brought to the floor. I say that because I believe that America, out of fairness and justness, wants to stay with current law. Current law, now known as the McClure amendment, treats agricultural growers the same as all other businesses and business owners. I think it is important that we maintain the balance of fair play and property rights as recognized by current law.

The Simpson amendment in effect says if a farmer could put walls around or a roof over his or her fields, then the INS could not conduct an open-field warrantless search. But since this farmer cannot do that in a 10-acre, 50-acre, 100-acre, 500-acre field, since he cannot build a roof over his or her field, that workplace does not enjoy the same private property rights as all other workplaces. The McClure amendment, now current law, is applying the same INS search warrant procedures to all employers.

In this instance, I would argue the Senate ought to maintain the kind of fairness of the current law. If you want to search for illegal aliens, then you get the employer's permission, or if you have probable cause, then you get a search warrant. That is called fairness and equity in this society. I think that is what we have to strive for.

The McClure amendment applies only to unjustified searches and only to the Immigration and Naturalization Service. It does not apply to any other law enforcement agency such as DEA or State or local law enforcement officers. I think that is important to specify. INS agents in hot pursuit of illegal aliens or others who are violating the law could still enter the field. In other words, we have not created a wall here; we have created a protection of property rights.

The McClure amendment was originally passed because of evidence that the INS was abusing open-field searches. In my State of Idaho, prior to this law being in place, we had numerous occasions when, without notification, INS agents, with drawn guns, were running through orchards in the State of Idaho. That, to me, is a formula for disaster. Innocent people could accidentally become hurt as a result of this. And it did nothing, absolutely nothing, to enforce the laws as they currently were at that time.

The McClure amendment was originally passed for a lot of these reasons. The unlawful detaining of American citizens I have already mentioned. If current law protects property rights, then apparently there was a violation of property rights. I believe the Simpson amendment—not intending to do so—could see us fall backwards into that circumstance that I think would be very dangerous to do. It could result in the injuring of agricultural workers, causing damage to crops and property that is already well documented, that has occurred in the past.

Here is what is interesting. The Judiciary Committee voted 12 to 5 to reject a similar Simpson amendment and retain basically current law. They were right to do so. I cannot understand for the life of me, if that was the vote of the committee, that we are back here on the floor with this amendment.

I ask unanimous consent a letter from the National Council of Agricultural Employers and also a letter from Dean R. Kleckner, president of the American Farm Bureau Federation, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS,
Washington, DC, April 16, 1996.

DEAR SENATOR: The Senate will begin voting on amendments to the Simpson Immigration Reform bills tomorrow. Two of those amendments are detrimental to agricultural employers:

1. Simpson Amendment to repeal the agricultural search warrant provisions of the Immigration Reform and Control Act of 1986.

2. Kennedy Amendment to strike the intent standard for document abuse discrimination.

The search warrant provision under current law requires the Immigration and Naturalization Service (INS) to obtain permission from the property owner prior to entering the property to search for illegal aliens, or to obtain a search warrant. This provision affords growers the same protection from warrantless searches and unreasonable disruption of business activity enjoyed by any other business. By a vote of 12 to 5 in the Judiciary Committee mark-up, Senator DeWine successfully struck from the immigration reform bill earlier language to repeal the search warrant provision. Please uphold this decision and vote against Senator Simpson's amendment.

Also during Judiciary Committee mark-up, an intent standard for document abuse discrimination was added to the legislation. Under current law, employers are held strictly liable for document abuse discrimination if they ask a job applicant to provide a specific employment authorization document or request more documents than are required under the law. Even though applicants are not denied a job and alternative documents are accepted by the employer, the Office of Special Counsel at the Department of Justice has taken the position that the mere requesting (as opposed to requiring) of particular documents is an automatic violation of the law. This position is held regardless of the employer's intent and whether or not anyone was denied employment. Senator Kennedy's amendment would delete the intent standard from the reform legislation and replace it with language that essentially restates current law. Please vote against the Kennedy amendment.

Thank you for your consideration on these issues.

Sincerely,

SHARON M. HUGHES,
Executive Vice President.

A FARM BUREAU SPEEDLINE,
Washington, DC, April 16, 1996.

DEAR SENATOR: The American Farm Bureau has two concerns with regard to the illegal immigration reform bill under consideration by the Senate today. First, Sen. Alan Simpson (R–WY) will offer an amendment to his illegal immigration reform bill, S. 1664, to repeal the current-law requirement that INS agents obtain either a property owner's permission or a search warrant prior to entering agricultural fields in search of illegal aliens.

This requirement was enacted as part of the Immigration Reform and Control Act of 1986. The amendment to accomplish this, offered by then-Sen. James McClure (R–ID), attracted bi-partisan support. An amendment to strike a similar proposal originally included in the predecessor bill to S. 1664 was stricken by the Senate Judiciary Committee on a bipartisan 12–5 vote, approving a motion offered by Sen. Mike DeWine (R–OH).

The Administration has indicated neutrality on this issue, and has further indicated that the Department of Justice will not change its enforcement practices even if the open-field search warrant requirement is repealed.

Second, Sen. Edward Kennedy (D–MA) will offer an amendment to strike the intent standard provision of S. 1664. This provision of S. 1664 would create a new intent standard for discrimination allegations based on employer requests for more or different employment eligibility documents to prove work authorization. Farm Bureau supports this provision, and we oppose Sen. Kennedy's amendment to strike it.

The American Farm Bureau Federation urges you to oppose the Simpson and Kennedy amendments.

DEAN R. KLECKNER,
President,

Mr. CRAIG. Mr. President, I urge my colleagues, when this vote occurs in a few moments, to abide by current law and private property rights and the protection of the security of individuals. Consider the risks that could result as a result of us voting for the Simpson amendment and returning to law what this Congress rejected by substantial margin several years ago and has retained as the right position to hold when it comes to open-field searches and agriculture employers.

I yield the remainder of any time that I have.

The PRESIDING OFFICER. The Senator from Ohio is recognized for up to 5 minutes.

Mr. DEWINE. Mr. President, I want to speak again in opposition to the Simpson amendment. I commend my colleague from Idaho for his very eloquent statement.

I urge my colleagues to retain current law, to retain the compromise that was made in 1986, and to vote the same way as the Judiciary Committee did, by an overwhelming vote of 12 to 5.

This bill does represent, as it is written today, the status quo. I think it would be a mistake to change that. It is interesting to note that the INS says there is no reason to change current law.

What is the history of this? Go back to 1984. You had a Supreme Court decision that said, in fact, you did not need a search warrant to go into an open field. But the court, in essence, invited Congress to speak on the issue.

Two years later, with the Simpson-Mazzoli bill, Congress did speak on the issue and said that an open field, when used for agriculture employment, should have the same basic protection, that the employees and employers should have the same basic protection that they had if that business had been conducted within a building, if we had been in a restaurant or another form of business. So, what the status quo does is keep a level playing field and keep both types of businesses being dealt with by the INS the same way.

We look at this many times from the point of view of the employer and say it would be unfair to ranchers, unfair to farmers, because of the time-sensitive nature of agriculture, to allow these searches without a search warrant. That is true. I think we also have to look at it from the point of view of the employee, because the reality is that before the law was passed, even though agriculture represented only 15 percent of the problem of illegal workers in the work force, 75 percent of the raids occurred in agriculture. I do not think you have to stretch your imagination too far to understand one reason why. It is easier. It is easier.

The other reason is, however good, however well intentioned the employees of the INS are and the agents are, when they look into a field and see brown faces, they think that may be a place we need to go. That is a problem. It is a problem that we do not need to return to.

My friend has just pointed out we need to talk about what the current status of the law is and what it is not. It says you have to have a search warrant. But many cases are resolved, obviously, by consent. If you have consent, the INS can go onto the property. Current law also provides that if INS is in hot pursuit, they can go onto the open field. Finally, current law also says if you are within 25 miles of the border, this provision does not apply; INS can go onto the property.

So I urge my colleagues—we are just a few minutes away from the scheduled vote—I urge them to support the position of the Judiciary Committee, a 12 to 5 vote. Support current law. Support the employees and employers. Keep in mind the position of the INS who sees no reason for any change in law.

I would also ask my colleagues to keep in mind the position of the American Farm Bureau. I also talked about this issue. I already read the names on the other letter that I talked about, a letter dated March 13, 1996, to all the members of the Judiciary Committee—American Farm Bureau, Agricultural Affiliates, American Association of Nurserymen. It goes on and on and on with basically a page of names. Their position is to keep the current State of the law and to oppose the Simpson amendment. I thank the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it has been a good debate. I think I know where it is going with the vote, that all the votes are not there for my particular activity. But let us be very clear. I say to Senator DEWINE and Senator CRAIG—let me tell you, the law before 1986 was that the INS could go do a warrantless search, ladies and gentlemen. Before we changed the law, with this linkage of the ACLU and the agricultural workers and the growers, the law of the United States was just like this for everybody else.

The FBI could go into a field in plain view for a body or drugs, and with a warrantless search go forward. The INS could do that, the FBI could do that, the DEA. In 1986 we changed it. So the requirement that we have now is the special law. That is what is fascinating in this debate, I must say. I just think

I have been here too long. This was on the books.

There is not a single other law enforcement agency in the United States, when they come upon an open field and in plain view see something that gives them probable cause to believe there is a violation of the law—they go and do it. The only agency of the Federal Government that cannot is the INS. That is where we are. At least let us be realistic about what we have done. We retain it. That is the way it is. Move on to the next item of business.

But let us be totally candid. And let us not have anybody with their own opinion; let us all have our own facts. That was the law before 1986.

But I just want to add—since we were talking, I think, about the minimum wage for a moment—here is the one you want to keep in mind with the minimum wage and all you have heard all day long. This is from the New York Times of April 19, 1996. It is called ''Minimum Wage: A Portrait.'' Here is the portrait as compiled by the New York Times. There are three little items of interest.

Number of times in 1993 and 1994, when Democrats controlled Congress, that President Clinton mentioned in public his advocacy of a minimum wage increase: 0.

Next little item:

Number of times the President has done so in 1995 and 1996—through March 11—when Republicans have controlled Congress: 47.

Since March 11 there have probably been 47 more. Then finally:

Number of Congressional hearings Democrats held on the minimum wage in 1993 and 1994: 0.

Pure theater.

Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 3730 offered by the Senator from Wyoming. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—20

Bryan	Johnston	Rockefeller
Byrd	Lautenberg	Simpson
Chafee	Levin	Stevens
Glenn	Lieberman	Thomas
Grassley	Murkowski	Thompson
Gregg	Nunn	Thurmond
Hollings	Reid	

NAYS—79

Abraham	Baucus	Bingaman
Akaka	Bennett	Bond
Ashcroft	Biden	Boxer
Bradley	Frist	McCain
Breaux	Gorton	McConnell
Brown	Graham	Mikulski
Bumpers	Gramm	Moseley-Braun
Burns	Grams	Moynihan
Campbell	Harkin	Murray
Coats	Hatch	Nickles
Cochran	Hatfield	Pell
Cohen	Helms	Pressler
Conrad	Hutchison	Pryor
Coverdell	Inhofe	Robb
Craig	Inouye	Roth
D'Amato	Jeffords	Santorum
Daschle	Kassebaum	Sarbanes
DeWine	Kempthorne	Shelby
Dodd	Kennedy	Simon
Dole	Kerrey	Smith
Domenici	Kerry	Snowe
Dorgan	Kohl	Specter
Exon	Kyl	Warner
Faircloth	Leahy	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	
Ford	Mack	

NOT VOTING—1

Heflin

The amendment (No. 3730) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FURTHER CONTINUING APPROPRIATIONS FOR 1996

Mr. SIMPSON. Mr. President, this has been cleared with the Democratic leader. I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 175 regarding a 1-day extension of the continuing resolution.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 175) making further continuing appropriations for the fiscal year 1996 and for other purposes.

The Senate proceeded to consider the joint resolution.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the measure be considered read the third time and passed, the motion to reconsider be laid upon the table, that any statements relating to the measure be included in the RECORD.

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

The joint resolution (H.J. Res. 175) was read the third time and passed.

Mr. SIMPSON. Mr. President, I ask unanimous consent that Senator GRAHAM now be recognized for up to 15 minutes for debate on the continuing resolution.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I wish to be recorded as voting no on the continuing resolution.

Mr. President, nearly 1 month ago, after passing the 12th continuing resolution, we are now enacting the 13th continuing resolution. At the time we passed the 12th extension of the budget for fiscal year 1995, I said it was the last one that I would support.

Mr. President, I am here to keep my word. Frankly, the lack of leadership by this Congress is a national embarrassment. It is nearly 7 months into the fiscal year 1996, and we still do not have five budgets for five of the most important agencies of the Federal Government. This is no way for the world's largest economic entity to manage its resources.

It is almost as if the Congress has become addicted to this form of Band-Aid budgeting. When you think about it, there is a correlation between a drug addict's action and those of this Congress. We began this process on September 30, 1995, when we passed the first continuing resolution.

I analogize that action on September 30, 1995, as a casual, occasional user of marijuana. As we have proceeded over the days, weeks, and months since then, we have continued to become more and more addicted to this approach, to this avoidance of difficult decisions, to the willingness to say we failed to do it today so we will put it off until tomorrow.

Today, Mr. President, we are mainline injecting heroin as we sell ourselves: ''Oh, we only need one more day and we will be able to resolve this impasse.'' We have heard that ''one more day'' so many times. I remember distinctly when we voted on the 12th continuing resolution that the leadership of the appropriations process in the House of Representatives said they were so close to reaching a final resolution that would have carried us through the balance of the fiscal year and avoided the necessity of the 12th continuing resolution, and that failing that small increment to close on a final agreement, now we were going to have to use the period made available by the Easter-Passover recess. That certainly would be a period of time in which we could come to closure on this matter.

We failed again. Now, again, we are taking the heroin of a temporary extension of a budget that is more than a year old as a means of avoiding difficult decisions. We are acting, also, Mr. President, like the drug addict who is in a state of denial. We are denying that our failure to reach decisions was having serious effects on Americans. I believe that clearly our actions are having serious effects. They are not just the serious effects on the faceless bureaucrats under which we often wish to assign our failures to act.

The fact is that the Band-Aid approach to budgeting has broad ramifications. Just last month when we voted on the 12th continuing resolution, I used examples that have been

brought to my attention from my State of Florida. As an example, the Salvation Army in Fort Myers, FL, when I last discussed this case a month ago, I explained that the Salvation Army used funds which were provided by the Federal Emergency Management Agency to promote food and housing to the homeless.

In February 1996, the Salvation Army received its first installment for the fiscal year. In a normal year, that first installment would have been made available in October 1995. This is anything but a normal year. The Salvation Army was expecting they would receive their final allotment of Federal funds in early March. True to form, these funds have not yet been provided. There is only one thing consistent about this year, and that is total inconsistency.

On April 10, I visited the Florida State Legislature in its session. The question that many members of the legislature asked me is: When are you going to make up your mind? The less charitable members of the legislature asked the question: Have you lost your mind? Here is our State legislature, trying to prepare a budget for the fourth largest State in the Nation, with many of their important decisions based on a partnership with the Federal Government in health, education, job training, and many other areas. Yet, they do not know what their Federal partner's policy, what the Federal partner's commitment will be to that program halfway through the fiscal year.

Mr. President, we have had almost a month to work out this appropriations bill. When I was speaking to the legislature, I apologized for the fact we were so negligent in performing our work. I gave them hopeful assurances that we would soon end this too long impasse. Again, today, for the 13th time we are passing a continuing resolution putting off the decisions, putting off the commitment to shape up and get sober, put it off until another day, until we need another injection.

Mr. President, this continuing resolution is passed by a voice vote. This Congress has reasserted its addiction and that it cannot be expected to go cold turkey. The 13th continuing resolution will pass with one less vote than the 12th, and I hope if we have a 14th, I hope it will pass with substantially fewer votes than the 13th, and finally we will end this process of procrastination, delay, indecision, and pass the consequences on to the American people.

We cannot deny that this Congress is addicted to Band-Aid budgeting and that there are not serious ramifications to these actions. We must stop this cycle of dependency and face up to the difficult decisions which are ours.

Thank you, Mr. President.

I ask unanimous consent to be recorded as voting ''no'' on the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The RECORD will so indicate.

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

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

Mr. SPECTER. Mr. President, I further ask unanimous consent that I may proceed for up to 10 minutes as if in morning business.

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

CHANGING OF THE PALESTINIAN CHARTER

Mr. SPECTER. Mr. President, the action by the PLO today changing its charter and eliminating the provision calling for the destruction of Israel should put all Palestinian terrorists on notice that terrorism and the destruction of Israel is no longer the order of the day as far as the PLO is concerned.

This was a vote of 10 to 1; some 500 voted in favor of changing the PLO charter, some 54 voted against, a vote of 10 to 1 by the Palestinian national authority saying that the charter ought to be changed. No longer is it the PLO position that Israel ought to be destroyed. That ought to have a significant effect on changing the attitude of the terrorists who are trying to destroy Israel and trying to destroy the peace process, because now technically it is the Palestinian Parliament in exile which has called for the dropping of that language. It is the Palestinian National Council which voted 504 in favor of amending the 32-year-old charter, 54 against, and 4 abstaining saying that no longer is it the PLO policy to seek to destroy Israel.

You have at the present time Hezbollah, Hamas, and other terrorist organizations carrying on a reign of terror, of bloodshed, killing, an effort to destroy Israel and an effort to defeat the peace process. But with this action today by the PLO officially formally changing the charter, eliminating the call for the destruction of Israel, it is now evident that terrorism is out of step with the dominant Palestinian view. That ought to be followed, and every Palestinian who seeks to destroy Israel, every terrorist who seeks to destroy Israel, knows now that it is the official position, led by Chairman Yasser Arafat, that that idea has changed, that idea is passe, that idea is gone, and that the emphasis by responsible Palestinian leaders is to promote the peace process and to end terrorism.

With action by the U.S. Congress in 1994 in adopting the amendment put forward by Senator SHELBY and myself, which conditions U.S. aid on the change in the charter and more active action on the part of the PLO in combating terrorism, at least the first part has now been fulfilled.

The issue of the Mideast peace process has been tortuous. There have been so many developments since Israel emerged as a state in 1949. The enmity which has existed for thousands of years has meant senseless killing, terrorism against women and children as well as men in Israel, Hezbollah firing rockets into northern Israel, prompting the justified retaliation by Israel as a matter of national self-defense.

That killing and those terrorist activities ought now to stop in view of this official declaration by the Palestinian leaders that no longer does the charter of the PLO call for the destruction of Israel.

Mr. President, I am hopeful that the activities by Secretary of State Christopher will reach fruition. It is not an easy matter. The press is full of reports about how President Assad of Syria is keeping Secretary Christopher cooling his heels while President Assad talks to others or President Assad is otherwise busy. It is not an easy matter to negotiate in the Mideast. I compliment Secretary of State Christopher, and I compliment the President on the accomplishments which have been made.

The Mideast has been a particular point of interest to me. I made my first trip to Israel back in 1964. I traveled there again as a private citizen in 1969, again in 1978, again in 1980, and after being elected to the Senate traveled there considerably. I have had the opportunity to visit Damascus on many occasions. I made my first trip there in 1984.

As long as the Secretary of State has cooled his heels, this Senator cooled his heels a lot longer. I returned there in 1988 after the Soviets had advised the Syrians they were no longer going to finance Syrian military operations, and in 1988 President Assad was prepared to see ARLEN SPECTER; I had a meeting of 4 hours and 35 minutes, and I have made many trips back and have had an opportunity to gain some understanding as to the negotiating process in the Mideast.

I suggest that the attitude of the Syrians has changed considerably in the 12 years which have intervened since my first trip to Damascus in 1984 and today, 1996. When I first had an opportunity to talk to President Assad, the idea of negotiations with Israel was totally out of the question. We have seen problems that the United States has had in Lebanon with the killing of so many of our marines, and we have seen grave difficulties in Lebanon in 1982 with Israeli action there. I believe that a cease-fire can be attained there, and I believe the peace process can be promoted.

We had the historic activity of President Sadat of Egypt in the first breakthrough back in 1978 and 1979. We have since seen the peace process with an Israeli-Jordanian peace agreement. We

have seen an event at the White House lawn back on September 13, 1993, that I never thought would have been possible with Chairman Arafat honored there. But when then Prime Minister Rabin shook the hand of Chairman Arafat and then Foreign Minister Peres shook the hand of Chairman Arafat, the U.S. policy was to support the peace process. If Israel, which had been the principal object of PLO terrorism, was prepared to deal with Chairman Arafat, then so was the United States.

I have had an opportunity to meet with Chairman Arafat on three occasions since that historic event at the White House on September 13, 1993. I have gone there in a visit with Senator BROWN in August of last year, carrying with us a list of specific terrorists where we thought the Palestinian authority had not turned them over to Israeli officials in accordance with the agreements which had been made, presented them one by one, and, candidly, heard many excuses offered by Chairman Arafat.

Senator SHELBY and I had an opportunity to visit again with Chairman Arafat this past January 2 and again talked about the language of the PLO charter and pushed to have it revised. At that time, Chairman Arafat said he would do his utmost. The elections were coming up with the Palestinians on January 20. Those elections were held, and now we have had this historic event with the Palestinian Parliament in exile dropping the language by a vote of 504 in favor of eliminating the language calling for the destruction of Israel, 54 against, and 14 abstaining. That language had been in the charter for some 32 years.

So, you have a vote of 10 to 1, a very, very sizable majority, which ought to put all of the Palestinian terrorists on notice that it is no longer acceptable, even from the Palestinian point of view, to call for the destruction of Israel and to carry out acts of terrorism.

So it is my hope that this historic vote, when it is communicated to the Palestinians in that region, when it is communicated to the Palestinians around the world, may have the effect of letting the Palestinian terrorists know—Hezbollah, Hamas, and the other terrorist organizations—that it is no longer appropriate, it is no longer proper, it is condemned by the Palestinian authority itself, that terrorist acts against Israel ought not to be carried forward. If we can stop Hezbollah, if we can stop Hamas and the other terrorist organizations, then I think we can move forward with the peace process.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3672

Mr. SIMPSON. Mr. President, I now submit a request. It has been cleared through the leadership on both sides of the aisle, as I have been advised.

I ask unanimous consent that the Senate now resume consideration of amendment No. 3672, the Simpson-Kempthorne amendment, as modified, and that there be 30 minutes for debate, 20 minutes under the control of Senator DORGAN, 10 minutes under the control of Senator DOMENICI; to be followed by a vote on or in relation to the amendment without further action or debate. And immediately following that vote, regardless of the outcome, the Senate proceed to vote on or in relation to the Dorgan amendment, No. 3667.

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

AMENDMENT NO. 3672, AS MODIFIED

Mr. SIMPSON. Mr. President, I send the modification of the amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Amendment No. 3672, as modified, is as follows:

At the end of the amendment add the following:

(1) social security is supported by taxes deducted from workers' earnings and matching deductions from their employers that are deposited into independent trust funds;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) 138,000,000 American workers pay taxes into the social security system;

(6) social security is currently a self-financed program that is not contributing to the Federal budget deficit; in fact, the social security trust funds now have over $400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional $70,000,000,000;

(7) these current reserves will be necessary to pay monthly benefits for current and future beneficiaries when the annual surpluses turn to deficits after 2018;

(8) recognizing that social security is currently a self-financed program, Congress in 1990 established a ''firewall'' to prevent a raid on the social security trust funds;

(9) raiding the social security trust funds would further undermine confidence in the system among younger workers;

(10) the American people overwhelmingly reject arbitrary cuts in social security benefits; and

(11) social security beneficiaries throughout the nation deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any legislation required to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement.

Mr. SIMPSON. Mr. President, I yield the floor to Senator DORGAN.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume. A couple of colleagues wish to come to speak on this amendment as well.

First of all, the circumstances are we will vote on a Kempthorne amendment. I have no objection to that amendment. I intend to vote for it.

It contains conclusions that I support, talks about the desire to balance the budget, to do so without Social Security benefits being reduced or Social Security taxes being increased. I have no objection to that. I intend to vote for it.

But that is not the issue. The issue is the second vote on the amendment that I offered, a sense-of-the-Senate resolution. That amendment is very simple. It is an amendment that says that when a constitutional amendment to balance the budget is brought to the floor of the Senate it ought to include a firewall between the Social Security trust funds and the other revenues of the Federal Government.

The reason I feel that way is because we are now accumulating a yearly surplus in the Social Security trust funds. It is not an accident. It is a deliberate part of public policy to create a surplus in the Social Security trust funds now in order to save for the future.

The reason I know that is the case is because in 1983 I helped write the Social Security reform bill. I was a member of the House Ways and Means Committee at the time. We decided in the Social Security reform bill to create savings each year. This year $71 billion more is coming into the Federal Government in receipts from Social Security taxes over what we will spend this year—a $71 billion surplus this year alone, not accidental but a surplus designed to be saved for the future.

It is not saved for the future if it is used as an offset against other revenue of the Federal Government. If it is simply becoming part of the revenue stream that is used to balance the budget and the operating budget deficit, it means this $71 billion will not be there when it is needed.

I have heard all of the debate about, well, this is just an effort by some of those who would not vote for the other constitutional amendment to balance the budget, just an effort to justify their vote. No. There were two constitutional amendments to balance the budget offered in the U.S. Senate last year. One of them balanced the budget and did so by the year 2002, using the Social Security trust funds as part of the operating revenue in the Federal Government. I do not happen to think that is the way we ought to do it.

The Senator from Illinois, Senator SIMON, is on the floor. He has been one of the authors of that particular amendment. I happen to know that he changed his mind on this issue. He originally felt we should not include the Social Security trust fund money as part of the operating revenue of the Federal budget.

I still believe fervently we should not do that. One of the sober, sane things that was done in the 1980's in public policy was to create a surplus each year in the Social Security accounts to save for the future when it is needed, when the baby boomers retire. To simply decide to throw that all in as operating revenues and provide for it in a constitutional amendment to the Constitution, and use it to help balance the operating budget of the Federal Government, is in my judgment not honest budgeting.

We are either going to save this or not. If we are not going to save it we ought not collect it from the workers. If the workers have it taken from their paychecks and are told, ''This money coming from your paycheck goes into a Social Security trust fund,'' and if it goes into the Social Security trust fund and then is used as other revenue to balance the Federal operating budget, it is not going to be there when the baby boomers retire.

That is the import of this amendment. If those who propose a constitutional amendment to balance the budget would bring to the floor a constitutional amendment with section 7 changed as we proposed it previously and voted on it that says it is identical in every respect to the constitutional amendment offered by Senator SIMON, Senator DOLE, and others with the exemption that the Social Security trust funds shall not be used as operating revenue in the Federal budget to balance the budget, they would get 70 or 80 votes, 75 votes perhaps for a constitutional amendment to balance the budget.

Because they did not do that, they fell one vote short. They intend to bring a constitutional amendment to balance the budget to the floor of the Senate again, and have announced they intend to do it under a reconsideration vote. They have a right to do that. We simply want an opportunity to provide a sense-of-the-Senate resolution to say to all of those in the Senate, when you bring this, do it the right way this time. If you do it the right way you will, in my judgment, pass a constitutional amendment to balance the budget out of this Senate and send it to the States for ratification.

That is what this sense-of-the-Senate vote is about. It is not about protecting anybody. It is not about setting up a scarecrow. It is about very serious, important public policy issues. Anyone who says this is not an important or serious issue apparently misunderstands what the policy issues are here. I did not vote to reform the Social Security system—I did not vote to increase payroll taxes in the 1980's, as did most Members of Congress, in order to have that money go into the operating budget of the United States and not be saved for the future in the Social Security trust funds as we promised the American people it would be.

Last year the Budget Committee brought to the floor of the U.S. Senate a budget. They said, ''Here is our balanced budget.'' And on page 3 it says, ''Deficits—'' in 2002, $108 billion. How can that be the case? Because technically they say, ''We haven't yet balanced the budget, technically in law, but what we have done is promised we will use this money to show a zero balance because these Social Security trust funds, to the tune of $108 billion, will be used to balance the Federal budget.''

It is not an honest way to do business. It ought not be done. We can, in my judgment, remedy this problem very quickly. Voting for my sense-of-the-Senate resolution, and including in the constitutional amendment to balance the budget that is brought to the floor of the Senate, the provision I have described, which is fair to the American workers, keeps our promise with the American workers, is fair to senior citizens in this country, and does what we said in 1983 we were going to do for the future of the Social Security system.

I am a little weary of hearing people stand on the floor of the Senate saying the Social Security system is going broke. The system has been around 60 years. In the year 2029, which is 30-some years from now, we have financing problems with it, yes, but we are going to respond to those long before 2029. For someone to say a system that has been around here for some 60 years is going to go broke because in the year 2029—33 years from now—we have financing trouble is, in my judgment, unfathomable.

This is a wonderful contribution to this country of ours, the Social Security system. We can and have made it work, and will make it work in the future. But I will guarantee you that it will not work in the future the way we expect it to, to help the people who are going to retire in the future in this country, the baby boomers especially, if we do not take steps to protect the Social Security trust funds and use them for the purpose that they were intended back in the 1983 Social Security Reform Act.

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

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The time is under the control of Senator DOMENICI and Senator DORGAN. Senator DORGAN has approximately 12 minutes left of his time. Senator DOMENICI, who I do not see at this point, has 10 minutes under his time.

Mr. SIMON. Mr. President, since I have not spoken to Senator DOMENICI, I ask unanimous consent that I be permitted to speak for 3 minutes and not have it charged to either side.

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

Mr. SIMON. Mr. President, I agree with 90 percent of what my friend from North Dakota has to say. Where I do differ is—and let me add in the Budget Committee I supported Senator FRITZ HOLLINGS in saying that we should exclude Social Security as we balance the budget. I cosponsored that legislation. What is true, however, is that the balanced budget amendment that we proposed, as it was, protects Social Security more than the present law does. Bob Myers, chief actuary for Social Security for 21 years, strongly supported the balanced budget amendment saying it was essential to the protection of Social Security.

I recognize that we are close to getting something worked out. I hope we can. I do think it is unrealistic, the amendment offered by my friend from North Dakota, that by the year 2002, we can do this, excluding Social Security. I think if we go on a glidepath for a few years later, that can be worked out.

To those who question that, that provides a great deal more protection than you have in the present law. The present law gives theoretical protection, but it is not there. The Constitution gives muscle to that.

Now, I add that I want to make sure that, in the years we have deficits, we fill those deficits, that we do not exclude both the receipts and the deficits, because the time will come—I may not be around to need it but the Senator from North Dakota will—when we need to protect those deficits and make clear that is a liability of the Federal Government.

I am hopeful something can get worked out yet. There are various versions floating around right now. It would be a great day for the American public if we could get it worked out.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time do the Democrats have and how much time do I have?

The PRESIDING OFFICER. There is remaining 12 minutes 15 seconds under the control of Senator DORGAN and 9 minutes 50 seconds under the control of the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not sure I need all my time. Let me yield myself 5 minutes at this point.

Mr. President, I guess I start this by paraphrasing Ronald Reagan: Here we go again. Every time we get into a balanced budget debate, someone tries to claim that Congress is raiding the Social Security trust fund. Every single time it happens, somebody gets up and claims we are not doing it right.

I simply want to note that there is a bit of irony in this debate in the Dorgan amendment. In 1995, we saw a plethora of budget proposals from both sides of the aisle. We saw a number

from that side of the aisle. Indeed, at last count, the President himself has proposed 10 different budgets since January 1995. Each and every one of those budgets, including the President's 1997 budget, includes Social Security in the deficit calculations.

I am not suggesting that is in any way violating the law, because it is not. It is not violating the law to produce a balanced budget and call it a balanced budget under the unified concept which has been used since Lyndon Johnson's time, when at the direction of Arthur Burns, one of the best economists we have ever had serve us, the United States decided to put everything on budget, because everything on that budget had an impact on the economy of the United States. So does the trust fund have an impact on the economy. The unified budget was a concept of putting everything on there that has any economic impact on the people of the United States and the American economy.

Somehow, it seems to me, we have some kind of a gap here. Unless I am reading wrong, Senator DASCHLE, Senator DORGAN, two of the sponsors of this so-called Social Security amendment, promoted a balanced budget here in the U.S. Congress. If I am wrong, the Senator can tell me I am wrong. Somehow, it seems to me that something must have escaped, escaped the mind, because that plan could only claim to reach balance in 2002 including the Social Security trust fund.

As a matter of fact, I have not seen any budget produced that has been offered as an instrument upon which we would vote here in the Senate that produces the kind of balanced budget that is now being encouraged by this sense-of-the-Senate resolution. The Republican budget, the first one that balanced the budget, the first one to pass Congress to balance the budget in two generations, also included the Social Security trust funds in this deficit calculation.

That does not mean that in doing that you are detracting from the solvency of the Social Security fund. As a matter of fact, in each and every one of the budgets I have been discussing, to my recollection, the nine the President has offered, two of which have been balanced, the others that I have referred to in a very, very formidable way, those budgets do not touch Social Security. They do not touch the benefits. They do not touch the taxes that are attributable to Social Security. You get a balanced budget without in any way doing harm to the Social Security trust fund and the taxes that are imposed on the American people in order to get that done.

Frankly, it seems to me, for those who would like to make sure we get a balanced budget and not use the Social Security trust fund in the calculations, I wonder how they get to balance. I have not seen any proposals that have accomplished that. From this Senator's standpoint, if we are going to get there by 2002, which I think is everybody's agenda, I believe it is inconceivable that you can get there and in the final calculations—that is why I am saying in the calculations—you do not use the unified budget concept, which for more than 20 years has been used in almost every examination of the impact of the Federal budget on the people of this country.

Maybe I am missing something. Maybe somebody knows another way to do it by 2002 and reduce the expenditures of our Government by another $190 to $200 billion. I do not believe, in my efforts, which I think have been at least, if not successful, at least we have shown various ways—and it has been a rather formidable exercise—I do not think we have ever come up with anything that could do that.

While I understand the debate is a useful debate, we ought to be very concerned about it. I think it is truly, ''Here we go again,'' and I hope the U.S. Senate decides we ought to get on with the subject, get a balanced budget, and get a constitutional amendment and not do the sense of the Senate at this point.

Mr. DORGAN. I yield 7 minutes to the Senator from South Carolina, Senator HOLLINGS.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from North Dakota.

Obviously, I do not take any pleasure in correcting the record made by my distinguished chairman of the Budget Committee. I served as chairman of the Budget Committee and had the best of cooperation from the distinguished Senator from New Mexico. I hope we can cooperate again in getting a balanced budget amendment to the Constitution that protects social security.

Last year on March 1, 1995, five Senators signed a letter to the majority leader stating that we were ready, willing and able to vote ''aye'' on a balanced budget amendment to the Constitution so long as we did not repeal the statutory law of the United States that prohibits the use of Social Security trust funds in computing either deficits or surpluses of the Federal Government.

Now my distinguished friend from New Mexico says that both sides use it, and he starts, of course, with President Lyndon Johnson.

Mr. President, I ask unanimous consent to have printed in the RECORD a budget table of the deficits and surpluses for the past 40 years.

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

President and year	U.S. budget (outlays in billions)	Trust funds	Real deficit	Gross Federal debt (billions)	Gross interest
Truman:					
1945	92.7	5..4	.....	260.1	(1)
1946	55.2	3.9	−10.9	271.0	(1)
1947	34.5	3.4	+13.9	257.1	(1)
1948	29.8	3.0	+5.1	252.0	(1)
1949	38.8	2.4	−0.6	252.6	(1)
1950	42.6	−0.1	−4.3	256.9	(1)
1951	45.5	3.7	+1.6	255.3	(1)
1952	67.7	3.5	−3.8	259.1	(1)
1953	76.1	3.4	−6.9	266.0	(1)
Eisenhower:					
1954	70.9	2.0	−4.8	270.8	(1)
1955	68.4	1.2	−3.6	274.4	(1)
1956	70.6	2.6	+1.7	272.7	(1)
1957	76.6	1.8	+0.4	272.3	(1)
1958	82.4	0.2	−7.4	279.7	(1)
1959	92.1	−1.6	−7.8	287.5	(1)
1960	92.2	−0.5	−3.0	290.5	(1)
1961	97.7	0.9	−2.1	292.6	(1)
Kennedy:					
1962	106.8	−0.3	−10.3	302.9	9.1
1963	111.3	1.9	−7.4	310.3	9.9
Johnson:					
1964	118.5	2.7	−5.8	316.1	10.7
1965	118.2	2.5	−6.2	322.3	11.3
1966	134.5	1.5	−6.2	328.5	12.0
1967	157.5	7.1	−11.9	340.4	13.4
1968	178.1	3.1	−28.3	368.7	14.6
1969	183.6	−0.3	+2.9	365.8	16.6
Nixon:					
1970	195.6	12.3	−15.1	380.9	19.3
1971	210.2	4.3	−27.3	408.2	21.0
1972	230.7	4.3	−27.7	435.9	21.8
1973	245.7	15.5	−30.4	466.3	24.2
1974	269.4	11.5	−17.6	483.9	29.3
Ford:					
1975	332.3	4.8	−58.0	541.9	32.7
1976	371.8	13.4	−87.1	629.0	37.1
Carter:					
1977	409.2	23.7	−77.4	706.4	41.9
1978	458.7	11.0	−70.2	776.6	48.7
1979	503.5	12.2	−52.9	829.5	59.9
1980	590.9	5.8	−79.6	909.1	74.8
Reagan:					
1981	678.2	6.7	−85.7	994.8	95.5
1982	745.8	14.5	−142.5	1,137.3	117.2
1983	808.4	26.6	−234.4	1,371.7	128.7
1984	851.8	7.6	−193.0	1,564.7	153.9
1985	946.4	40.6	−252.9	1,817.6	178.9
1986	990.3	81.8	−303.0	2,120.6	190.3
1987	1,003.9	75.7	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−255.2	2,601.3	214.1
Bush:					
1989	1,143.2	114.2	−266.7	2,868.0	240.9
1990	1,252.7	117.2	−338.6	3,206.6	264.7
1991	1,323.8	122.7	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−403.6	4,002.1	292.3
Clinton:					
1993	1,408.2	94.2	−349.3	4,351.4	292.5
1994	1,460.6	89.1	−292.3	4,643.7	296.3
1995	1,514.4	113.4	−277.3	4,921.0	332.4
1996	1,572.0	126.0	−270.0	5,191.0	344.0
Est. 1997	1,651.0	127.0	−292.0	5,483.0	353.0

[1] Budget realities: Senator Hollings, April 17, 1996.

Note: Historical Tables, Budget of the U.S. Government FY 1996; Beginning in 1962 CBO's 1995 Economic and Budget Outlook.

Mr. HOLLINGS. If you look at this table, you can refer to 1969 when we had the last budget balanced. I happened to have been here and to have voted for it. That is a unique experience.

If you look down to the 1997 budget that we will be working on, you can see the intent to use $127 billion—$127 billion in trust funds. Up, up and away.

I hold in my hand this light blue book entitled ''Budget Process Law Annotated.'' You will not find the word ''unified'' in it. You, will, however, find section 13301 of the statutory laws of the United States.

I ask unanimous consent to have that section printed in the RECORD at this point.

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

SUBTITLE C—SOCIAL SECURITY

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.''.

Mr. HOLLINGS. Mr. President, section 13301 says you cannot use Social Security. In our failure to follow that law, we should not wonder why the people do not have any faith or trust in their Government.

Let us go back to Social Security. In 1983, we increased the Social Security payroll taxes in order to save the program. We said these moneys would be used only for Social Security. We were going to balance the budget for general government and build up Social Security surpluses to ensure that money would be there when they baby boomers retire. However, working in the Budget Committee with the distinguished Senator from New Mexico, you could see what was happening. Budget deficits went up, up and away. We had less than a trillion-dollar debt when Reagan came to town. It is now $5 trillion. So in the Budget Committee, on July 10, 1990, I offered an amendment to protect the surpluses in the Social Security trust fund. It was my amendment that passed the committed by a vote of 20–1.

I ask unanimous consent to have the vote printed in the RECORD.

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

HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay:

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Bond.

Nays: Mr. Gramm.

Mr. HOLLINGS. Mr. President, after our success in the Budget Committee, I worked with Senator Heinz to offer the same amendment on the Senate floor on October 18, 1990. The vote was 98–2, and the distinguished Senator from New Mexico voted both in July, and in October to not use Social Security trust funds.

I ask unanimous consent that that vote be printed in the RECORD.

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

Hollings-Heinz, et al., amendment which excludes the Social Security Trust Funds from the budget deficit calculation, beginning in FY 1991.

YEAS (98)

Democrats (55 or 100%)—Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Helfin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

Republicans (43 or 96%)—Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, Wilson.

NAYS (2)

Republicans (2 or 4 %)—Armstrong, Wallop.

Mr. HOLLINGS. Mr. President, when the both sides continued to use the surpluses—I teamed up with Senator MOYNIHAN. I said, ''Look, you are using these moneys for defense, education, housing, foreign aid, for everything but Social Security. Let us just stop the increase in taxes on Social Security.''

So exactly 5 years ago, on April 24, 1991, the distinguished Senator from New Mexico moved to table the Moynihan-Kasten-Hollings amendment that would have reduced Social Security revenues in the budget resolution by about $190 billion.

I ask unanimous consent that that vote be printed in the RECORD.

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

Domenici motion to table the Moynihan-Kasten-Hollings amendment which reduces Social Security revenues in the budget resolution by $24.6 billion in FY 1992, $27.6 billion in 1993, $38.2 billion in 1994, $44.0 billion in 1995, and $61.7 billion in 1996; and returns Social Security to pay-as-you-go financing.

YEAS (60)

Democrats (26 or 47%)—Baucus, Bentsen, Bingaman, Bradley, Breaux, Bumpers, Burdick, Byrd, Conrad, Daschle, DeConcini, Dixon, Ford, Glenn, Graham, Heflin, Johnston, Kohl, Lautenberg, Levin, Mikulski, Robb, Rockefeller, Sasser, Shelby, Simon.

Republicans (34 or 79%)—Bond, Brown, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatfield, Jeffords, Kassebaum, Lott, Lugar, McCain, McConnell, Murkowski, Packwood, Pressler, Roth, Rudman, Simpson, Smith, Specter, Stevens, Thurmond, Warner.

NAYS (38)

Democrats (29 or 53%)—Adams, Akaka, Biden, Boren, Bryan, Cranston, Dodd, Exon, Fowler, Gore, Harkin, Hollings, Inouye, Kennedy, Kerrey, Kerry, Leahy, Lieberman, Metzenbaum, Mitchell, Moynihan, Nunn, Pell, Reid, Riegle, Sanford, Sarbanes, Wellstone, Wirth.

Republicans (9 or 21%)—Craig, Hatch, Helms, Kasten, Mack, Nickles, Seymour, Symms, Wallop.

NOT VOTING (1)

Democrats (1)—Pryor.

Mr. HOLLINGS. Mr. President, on November 13, 1995, the Senator from New Mexico again joined with us on a vote of 97–0 not to use Social Security trust funds. But in March of last year they were trying to get a balanced budget amendment to the Constitution that used an additional $636 billion in Social Security trust funds.

Under that approach, we would come around to the year 2002 and say, ''Whoopee, we have finally done our duty under the Constitution and we have balanced the budget.'' But we would have at the same time caused at least a trillion-dollar deficit in Social Security. Who is going to vote to increase Social Security taxes, or any other tax, to bring in a trillion dollars?

That is our point here. That is why we have offered this sense of the Senate. What happens is the media goes right along. I want to quote from an April 15 article in Time magazine which talks about the surpluses in the highway trust fund:

> Supporters argue, rightly, that the money would go where it was intended—building roads and operating airports. But the supposedly untapped funds are actually an accounting figment.

That is what we will have to say about Social Security in 2002 because the money will not be there. Let us cut out this charade, stop the fraud, and be honest with each other. Let us get truth in budgeting.

I reserve the remainder of our time.

Mr. DORGAN. Mr. President, I yield 2 minutes to Senator FORD.

Mr. FORD. Mr. President, I thank my friend from North Dakota. I think everyone should have listened to my friend from South Carolina. He has been there from year one. He knows the history of it. He understands it, and he says it straight.

I listened to my good friend from New Mexico, chairman of the Budget Committee, one of the smartest financial wizards in the Senate. I believe, honestly and sincerely, that he knows how to operate to be sure that Social Security funds are not used. He says he only wants to use them for calculation. He does not touch the fund, the taxes; he does not touch anything. If you do not touch them, why use them? If you do not touch them, why use them?

We have a contract with the people of this country. Social Security is doing better. There are 8.4 million new jobs, all of them paying into Social Security. Things are beginning to look a little better. But if we take Social Security funds to balance the budget, then we are deceiving the American public.

I voted for a balanced budget every time except the last time because, before that, it excluded Social Security funds. This last time, it included Social Security funds. You had at least seven more votes—we would be in the seventies on the balanced budget amendment had you said we exclude Social Security moneys.

So when you say you are not using them, you will not spend them, you are not going to touch taxes, there ought to be a way, and there should be a way, that we can pass a balanced budget here without using those funds.

I hope my colleagues will listen to Senator DORGAN and Senator HOLLINGS and that we approve this sense-of-the-Senate resolution.

I suspect my time has expired. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. How much time does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. DOMENICI. Mr. President, I told Senator DORGAN I would use our time up and he could close. Senator SIMPSON has arrived. He is never without something to say on this subject. I yield half of my remaining time to the Senator from Wyoming.

Mr. SIMPSON. I thank the Senator. It will not take 2 minutes. It does not take too many minutes to explain that there is no Social Security trust fund. To come to this floor time after time and listen to the stories about the Social Security trust fund is phantasmorgia and alchemy. There is no Social Security trust fund. The trustees know it, we know it, everyone in this Chamber knows it.

What you have is a law that says if there are any reserves in the Social Security system, they will be invested in securities of the United States, based on the full faith and credit of the United States. Therefore, they are. They consist of the bills, savings bonds, and they are issued all over the United States. Some here own them, and banks own them. The interest on those is paid from the General Treasury, not some great kitty or some Social Security piggy bank. This is the greatest deception of all time.

The sooner we wake up and realize that the trustees of the Social Security system, consisting of three Members of the President's Cabinet, consisting of Dona Shalala, Robert Rubin, and Robert Reisch, Commissioner Shirley Chater, one Republican and one Democrat, are telling us this system will be broke in the year 2029 and will begin to go broke in the year 2012—there is no way to avoid it unless you cut the benefit or raise the payroll tax. Guess which one we will do at the urging of the senior citizens? We will raise the payroll tax one more time.

Mr. DOMENICI. Mr. President, we have a letter dated January 19 signed by Senator EXON, Senator DASCHLE, and Senator DORGAN with reference to a proposed balanced budget that they wanted the Republicans to join them in with some common ground.

I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 19, 1996.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, DC.

DEAR MR. LEADER: We are disturbed by several remarks you made yesterday at your news conference on the status of budget negotiations. It is unclear to us why your public comments concerning the budget continue to grow more pessimistic even as the gap between our two plans continues to narrow.

We believe a workable solution to balancing the budget is indeed at hand. Since our House counterparts appear less willing, or less able, to discuss alternatives, we ask that you take the initiative and join us to build support for a ''common ground'' balance budget. This budget would be based on the $711 billion in reductions to which all parties in the budget negotiations have already agreed. (Please see the attached chart outlining those areas of agreement.)

Democrats and Republicans have made a great deal of progress over the past few weeks in narrowing the gap between our two plans. The biggest remaining gap, of course, it the difference between our two tax cut proposals. The current Republican plan calls for $115 billion more in tax cuts than does the plan offered by the President and Congressional Democrats. Your plan pays for these additional tax breaks by cutting $132 billion—above and beyond what Democrats have agreed to—from programs that are essential to working families.

Spefically, your plan cuts Medicare by $44 billion more than the Democratic plan. It cuts Medicaid by $26 billion more. It cuts domestic investments in areas such as education and the environment by $52 billion more. And it raises taxes on working families by $10 billion.

The Democratic plan, by contrast, allows us to balance the budget in seven years using CBO numbers, provide a reasonable tax cut of $130 billion for working families, and still protect Medicare, Medicaid, education and the environment.

We should act decisively to balance the budget immediately. If balancing the budget is the goal, we can reach it now by banking the ''common ground'' savings on which we all agree.

We ask you to return with us to the White House to resume budget negotiations with the Administration before the current continuing resolution expires next Friday, January 26. If you will agree to return to the table, reduce your tax cut, and adopt the ''common ground'' reductions to which we have all agreed, we can reach an agreement immediately. We can balance the budget in seven years—and provide America's families with tax relief—without eviscerating the programs on which their economic security depends.

Sincerely,

J. JAMES EXON,
TOM DASCHLE,
BYRON L. DORGAN.

Mr. DOMENICI. Mr. President, I note that the proposed balanced budget is in the unified budget manner using the Social Security trust funds in calculating the balance.

I just want to close by saying that we can go on with these arguments as long as we want. The truth of the matter is seniors should know that, if you can get a unified balanced budget by the year 2002 which helps the American economy grow, prosper, and which brings interest rates down, it is the best thing you can do for the Social Security trust fund. That is exactly what it needs.

There is no chance of success unless the American economy is growing and prospering. For that to happen you have to balance the unified budget. If you want to say 4 years after that you will balance without the use of the funds, fine. You put that on a line and show it.

I say to my friend, Senator HOLLINGS, that we are engaged now in trying to write some language for a balanced budget constitutionally which would put it in balance in the unified way by a certain time, and under the ideas that the Senator from South Carolina has, by 4 years later to try to put that in the constitutional amendment. We are working with the Senator and others. We hope to have it done very soon, at which point when it clears with the Senator from South Carolina and others, we will be glad to give it to the leadership to see what they want to do with it.

I thank the Senator for his comments. Even though they were not all directed to agreeing with me, we are working on the same wavelength.

I yield the floor and yield any time which I may have.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes twenty-one seconds.

Mr. DORGAN. Mr. President, let me use the remaining time.

I guess now we have heard the three stages of denial. Let me rephrase the three stages of denial.

One, there are no Social Security trust funds;

Two, if there are Social Security trust funds, we are not using them to balance the budget;

Or, three, if there are Social Security trust funds and we are using them to balance the budget, we will stop by the year 2006.

All three positions have been given us in response to our position on this floor—the three stages of denial.

I watched the debate on the floor of the House of Representatives the other night. A fellow had a chart, and he talked about the income tax burden by various groups of taxpayers. He said, you look at the folks at the bottom level here. They are not paying higher income taxes. We have not increased their income tax burden. He strutted around and talked about how wonderful that was. He did not say with his chart what had happened to those folks in the last decade with respect to payroll taxes. No, their income tax has not increased. Their payroll tax skyrocketed because this Congress increased the payroll tax, determined to want to save the payroll taxes in the trust fund and build that trust fund for the future.

That is why people are paying higher payroll taxes. In fact, this year, $71 billion more is collected in receipts in the Social Security system than will be paid out. The question is, What is that for? If there is no trust fund, what is that for? Did the Congress increase payroll taxes so they could take the most regressive form of taxation and say to people, By the way, we will use that to finance the Government? Is

that what they did? That would not have gotten one vote in the House nor the Senate, even by accident.

You all know it is wrong. There is not one person in here in a silent moment who would not admit that it is wrong to increase these payroll taxes and promise workers that you are going to take their money, put it in a trust fund and save it and say, ''By the way. It is either not here, or it is here and we are misusing it, or, by the way, if we are misusing it, we will stop in 2006.'' What on Earth kind of debate is that?

Let us decide what is wrong, and when we see what is wrong, let us fix it.

This sense-of-the-Senate resolution says there is a very serious problem. This problem is not a nickel and dime problem. It might be an inconvenience to some. But this problem is $600 billion to $700 billion in the next 7 years. This is big money. This has to do with the future of Social Security. This has to do with very important financial considerations in this Government.

My point is, let us balance the Federal budget. Yes; let us even put a requirement to do so in the Constitution. But let us not enshrine in the Constitution a provision that we ought to take money from workers in this country, promise them we will save it in a trust fund, and then misuse it by saying it becomes part of the operating revenue of this country.

I have heard all of the debate about what is wrong with what Senator HOLLINGS, I, Senator FORD, and others have said. I have not heard one piece of persuasive evidence that the payroll taxes are not being systematically misused when we promised that it would be saved in trust, and in fact they are used as an offset to other operating revenues to try to show a lower budget balance.

That is why I say to those who say that they produce a balanced budget, show us a document that shows even when they say it is in balance. It is $108 billion in deficit. But they say we will fix that because we will take the $108 billion out of Social Security and pledge to you it is in balance.

Mr. FEINGOLD. Mr. President, I am pleased to cosponsor the amendment of the Senator from North Dakota.

The failure to formally segregate the Social Security trust funds is not the only reason I oppose the balanced budget amendment to the Constitution, but it is certainly one of the reasons.

Even if there were no other reasons, the assault on Social Security is reason enough to oppose the proposed constitutional amendment.

And make no mistake, Mr. President. The unwillingness to formally exempt it from the proposed constitutional language is nothing less than an assault on Social Security.

The opponents of this exemption want those funds, pure and simple.

Mr. President, it is unlikely that we will hear a plain statement to that effect here on the floor.

Other reasons will be provided.

But the bottom line is that the opponents of exempting Social Security in a constitutional amendment want to be able to tap into Social Security revenues for the rest of Government.

To a certain extent, we already have that.

The so-called unified budget includes the Social Security surpluses with the on-budget deficit to reduce our apparent budget deficit.

I do not single out one party; both Democrats and Republicans have used that technique.

To date, it has been a bookkeeping maneuver.

But in a few years, when the Social Security Program begins to draw on the surpluses that have built up over the past several years, the free ride will stop, and many of the favorite spending programs of the advocates of the constitutional amendment will be at risk.

Programs which have been so successful in escaping the budget scalpel, including our bloated defense budget and the billions in wasteful spending done through the Tax Code, may finally be asked to justify themselves a little more carefully.

Mr. President, it is precisely that moment that those who oppose excluding Social Security from the constitutional amendment are anticipating.

I fear that many would prefer to put Social Security on the block rather than ask these other areas to bear their fair share of reducing the deficit.

Mr. President, some may argue that current law provides adequate protection for Social Security, or that if the balanced budget amendment is ratified, Social Security can be protected as part of implementing legislation.

We should recall, though, that many of those who make that argument also maintain that mere statutory mandates are insufficient to move Congress to do what it needs to do.

They argue that only constitutional authority is sufficient to engender the will necessary to reduce the deficit.

Using the reasoning of the supporters of the balanced budget amendment, the willpower needed to resist the temptation to raid the Social Security cookie jar can only come from a constitutional mandate.

Those who oppose giving this extra, constitutional protection for Social Security often suggest that there is no practical need for the protection because Social Security will compete very well with other programs.

Let me respond to that argument with two comments.

First, Social Security should not have to compete with anything.

As many have noted, it is a separate program with a dedicated funding source, intended to be self-funding.

Second, any assessment of the political potency of any particular program must be reappraised when we enter the brave new world of the balanced budget amendment.

One prominent Governor was reported as suggesting that areas many claim are untouchable should be subject to cuts.

Specifically including Social Security in that list, this Governor worried that

> Otherwise, the states are going to bear a disproportionate share. We're the ones who are going to have to raise taxes.

And in a moment of revealing honesty, another Governor argued that Social Security must be asked to shoulder the burden of reducing the deficit.

Reports quote him as saying that to take Social Security off the table, and then impose a burden on other spending systems is not going to be acceptable.

There can be no more revealing statement of intent by many of those who oppose constitutionally separating Social Security than this statement.

Given the growing support of State-based approaches to problems—a development I applaud—as well as the resurgent influence of States on Federal policy, how can anyone confidently predict that Social Security will remain untouched while we cut programs in which States have a significant interest.

Mr. President, Social Security is fiscally and politically a special program.

Apart from the fiscal problems of not excluding Social Security, the special political nature of the program makes it worthy of protection.

Social Security is singular as a public contract between the people of the United States and their elected government.

The elected government promised that if workers and their employers paid into the Social Security fund, they would be able to draw upon that fund when they retired.

But the singular nature of Social Security, and the special regard in which it is held by the public, does not flow from some transitory nostalgia.

Social Security has provided real help for millions of seniors.

According to the Kerrey-Danforth Bipartisan Entitlement Commission, the poverty rate for senior households is about 13 percent, but without Social Security, it could increase to as much as 50 percent.

For almost half of the senior households below the poverty line, Social Security provides at least 90 percent of total income.

For those seniors, and for millions of others, the Social Security contract is very real and vitally necessary.

Anything other than partitioning Social Security off from the rest of the budget risks a breach of that public contract.

Mr. President, some may try to characterize the proposed exemption for Social Security in a possible balanced budget amendment to the Constitution as pandering to senior citizens.

With that assertion is the implication that somehow there is something wrong with older Americans who want their Social Security benefits.

But, Mr. President, I do agree with those proponents of the balanced budget amendment who argue that no one will touch the benefits of today's retirees.

Today's retirees are not at risk if the balanced budget amendment passes without exempting Social Security.

However, there are three generations that are very much at risk.

The first is my own generation—the baby boomers.

If Congress has the ability to monkey around with Social Security benefits, under cover of a constitutional mandate, I can guarantee you there will not be anything left when the baby boomer generation reaches retirement age.

There are a lot of Americans in that generation, and they also have a right to the benefits that they paid for and were told they were going to get by participating in this system.

Mr. President, a second generation is very concerned about the future of Social Security.

They are young adults in their late twenties and early thirties—the so-called Generation X.

They are skeptical of there being any Social Security system on which to rely when they retire.

They see today's retirees, and the huge group of baby boomers ahead of them, and they are concerned that the system into which they are now paying will not be around when they need it.

Mr. President, there is a third generation—the generation of my children.

They do not understand all of this debate.

But some are aware of the big Federal deficit we have.

And some are coming to realize that as they graduate from high school and go into the work force, they will be the ultimate victims of our fiscal irresponsibility if we do not protect Social Security.

For those three generations, the future health of the Social Security system is a real concern.

One of the most important results of the Kerrey-Danforth Entitlement Commission was to highlight this issue, and as I have mentioned on other occasions, I for one am willing to consider some of the proposals put forward by that commission to help ensure the long-term health of Social Security.

Mr. President, if we are ever to address the long-term solvency of Social Security in an honest way, especially in the context of a constitutional balanced budget requirement, keeping Social Security separate is vital.

Just as a Social Security system that is enmeshed in the rest of the Federal budget poses a temptation when the system is in surplus, so too will it become an enormous drain on resources if it starts to compete for general revenue.

Providing a constitutional partition will serve both to protect Social Security, and to highlight the need for long-term reform.

Mr. President, those who advocate a balanced budget amendment to our Constitution frequently argue that it is needed if we are to protect our children and grandchildren.

How ironic if in the name of helping those children and grandchildren we deny them the protection of Social Security.

We risk taking away the same rights and protections that so many of us hope to enjoy.

Mr. DORGAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 3672, as modified.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment of the Senator from Wyoming, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire [Mr. SMITH] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—92

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Ashcroft	Feinstein	Lugar
Baucus	Ford	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Moynihan
Breaux	Grams	Murkowski
Brown	Grassley	Murray
Bryan	Gregg	Nickles
Bumpers	Harkin	Pressler
Burns	Hatch	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Snowe
D'Amato	Kennedy	Specter
Daschle	Kerrey	Stevens
DeWine	Kerry	Thomas
Dodd	Kohl	Thurmond
Dole	Kyl	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Exon	Levin	

NAYS—6

Bradley	Nunn	Robb
Hatfield	Pell	Thompson

NOT VOTING—2

Heflin	Smith

So, the amendment (No. 3672), as modified, was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3667, AS MODIFIED

The PRESIDING OFFICER. The business is now amendment No. 3667.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

Mr. DOLE. Mr. President, I make a motion to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Dorgan amendment No. 3667, as modified. The yeas and nays have been ordered. The clerk will call the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—57

Abraham	Gorton	McConnell
Ashcroft	Gramm	Moseley-Braun
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Hatch	Robb
Campbell	Hatfield	Rockefeller
Chafee	Helms	Roth
Coats	Hutchison	Santorum
Cochran	Inhofe	Shelby
Cohen	Jeffords	Simon
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Snowe
D'Amato	Kohl	Specter
DeWine	Kyl	Stevens
Dole	Lott	Thomas
Domenici	Lugar	Thompson
Faircloth	Mack	Thurmond
Frist	McCain	Warner

NAYS—42

Akaka	Exon	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Mikulski
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Hollings	Pell
Byrd	Inouye	Pryor
Conrad	Johnston	Reid
Daschle	Kennedy	Sarbanes
Dodd	Kerrey	Wellstone
Dorgan	Kerry	Wyden

NOT VOTING—1

Smith	#

The motion to lay on the table the amendment (No. 3667), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. SIMPSON. Mr. President, I have a unanimous-consent request, Mr. President.

I have 10 unanimous-consent requests for committees to meet during today's session of the Senate. They all have the approval of the Democratic leader. I ask that these requests be agreed to, en bloc, and that each request be printed in the RECORD.

Mr. KENNEDY. Reserving the right to object, Mr. President. We have done this a number of times now. This changes the process and procedure where we had the opportunity, if consent was going to be asked for, to object to when the Senate was going to be considering business. Now we are in the situation where at the end of the day, we ask unanimous consent that they would have sat during the course of the day.

I understand now that this was in order for earlier today. But I want to make it very clear that I raised this at an earlier time. If the Senate does not get the clearance, the chairmen pay the bills. That is a good order for why we require this to be done beforehand, whether it is our side or their side. I just want to make sure. We are dealing with a lot of very important legislation as we are going on. I have not objected to committee meetings. But I want to make it very clear that we are going to preserve that institutional right where overriding other ones that will be addressed as well. But we are not going to get into a situation where we are clearing at the end of the day, whether it is on our side or theirs.

I will not object at this time. I want to make it very clear that the next time it comes across, I reserve that right to object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3734 TO AMENDMENT NO. 3725

(Purpose: To provide for an increase in the minimum wage rate)

Mr. KENNEDY. 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 Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3734.

At the appropriate place add the following:

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;''.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order and that I be able to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. KENNEDY. Mr. President, there had been an understanding which I had not been aware of by the two leaders on the particular matters which they had intended to address. To comply with their agreement, I withdraw that amendment at this time. But we want to indicate to all of the Members that if there is not an opening that presents itself, this Senator intends to press forward with that measure. Obviously, I will comply with any of the agreements that are made by our leaders.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Mr. President, let me reiterate the desire addressed just now by the senior Senator from Massachusetts. I had indicated to the majority leader that it was not our desire tonight to bring up minimum wage in an effort to expedite some of these other immigration-related amendments. We have that understanding.

It may be that we do not have a colleague here tonight to offer the amendments that I anticipated at least on our side. But that was my intention.

I want to emphasize, as well, what the Senator from Massachusetts has said so ably. It is our desire to continue to press for a minimum wage amendment and a vote. We will not do it tonight—not under these circumstances. But it is our desire to continue to find a way with which to get an up-or-down vote. We want it sooner rather than later. Let us hope we can do it sometime very soon. But with the understanding that I had with the majority leader, tonight we certainly want to accommodate our colleagues providing an opportunity to offer other amendments. We are prepared to do that tonight.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I appreciate those remarks by the distinguished Democratic leader. I did understand that agreement had been reached with the leader. I appreciate the minority leader coming back out and clarifying the situation—that we would go forward with some amendments tonight related to the immigration bill which is pending. I think we have at least one Senator who is ready to offer an amendment, and maybe others that relate to the immigration bill. So we are prepared to go forward.

Mr. KYL addressed the Chair.

Mr. SIMPSON. Mr. President, let me assure colleagues, too, as Senator KENNEDY has assured, that there will be no amendment with regard to minimum wage, there will be no amendment tonight of mine with regard to the issue of numbers and legal immigration as expressed by the majority commission. The issue will come up tomorrow. But if we can take amendments tonight while there are still some of us here, we are prepared to do that. I know the Senator from Massachusetts has another obligation. But perhaps Senator Kyl could deal with his amendment, I believe on immunization.

Is this correct?

Mr. KYL. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3735 TO AMENDMENT NO. 3725

Mr. KYL. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3735 to amendment numbered 3725.

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

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

The amendment is as follows:

At the end of the amendment add the following: Notwithstanding any other provision in this act, section 154 shall read as follows:

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows;

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 34. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection(a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

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

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

Mr. KYL. Mr. President, this is an amendment which we offered in the subcommittee which Senator KENNEDY and I worked on, and I believe that we have reached an agreement on this matter of immunization.

I note that I have two other amendments. But I think Senator KENNEDY would have an interest in both of them. So if he is going to have to leave, I will defer offering those amendments until he has an opportunity to be here.

Might I inquire of Senator KENNEDY? After we do the immunization amendment, it is my intention to offer two other amendments. But I believe the Senator from Massachusetts would have an interest in both of them. Would he prefer that we offer those tomorrow?

Mr. KENNEDY. The Senator is very kind. I was going to be absent for a short while. Senator SIMON is coming, and then I was coming back at 8:30 so we can continue through it. I think we have worked this out.

I appreciate the cooperative efforts of the Senator from Arizona. These are issues involving immunization, legitimacy of immunization, and public health matters related thereto. We have worked out those measures.

I think really the problem was because of lack of proper immunization, and we wanted to address that particular question. We have worked out an accommodation on that program. We are hopeful that we would get acceptance of this amendment, but if the Senator wanted to proceed, I believe, on the others, if I could just go over them, review them quickly, I will be in touch.

Mr. KYL. I will be very brief in describing this amendment, and we can lay it aside.

The next one that I would propose to offer relates to public housing and the qualification for being able to receive public housing. That one there may be some difference of opinion on because the Department of Housing and Urban Development agrees with all of the amendment except they would prefer a 6-month rather than 3-month qualification period. My amendment tracks the House of Representatives, specifically the amendment which was adopted there as part of the managers' amendment and provided for a 3-month qualification period.

Perhaps, as I am describing in more detail the immunization amendment, the Senator or his staff would determine how they want to proceed.

Very briefly, this immunization amendment, which was tentatively approved in the Immigration Subcommittee, simply requires that an individual applying for permanent residency status must be immunized for vaccine-preventable diseases.

To give you an idea of what it would require, before a visa is approved, an individual applying for permanent residency status must receive a vaccination assessment or be vaccinated against measles and polio for those under 5 years of age and any other vaccination determined necessary by Health and Human Services before they arrive in the United States.

Aliens who have not received the entire series of vaccinations as recommended by the Advisory Committee on Immunization Practices—and this includes a list of about 10 different particular diseases—would be required to return within 30 days of entry to the United States to a civil surgeon to receive these vaccinations. Mumps is actually required before entry into the United States.

To recover costs of establishing and administering the civil surgeon and panel physician programs, the Attorney General would be required to impose a fee on aliens applying for permanent resident status.

Currently, when any of the approximately 800,000 legal immigrants arrive annually in the United States, they are not required to be immunized against vaccine-preventable diseases. This amendment will help ensure that immigrants receive the recommended immunizations.

It should not present a financial difficulty for the immigrant. The estimated cost for all childhood vaccines is estimated to be $248.

The Department of Health and Human Services has made immunization of the U.S. population a top priority and by the year 2000 hopes to eradicate or reduce infinitely vaccine-preventable diseases.

So, Mr. President, this amendment is needed to prevent the spread of these

diseases. I believe it has the support of everyone.

Unless there is further discussion on this, I would inquire of the Senator from Wyoming what procedure he would like to follow with respect to moving on to additional amendments and call for votes since I doubt that this would need a vote.

Mr. SIMPSON. Mr. President, it would be a wonderful opportunity to do something, but I will not. Senator KENNEDY is absent from the Chamber.

I understand that Senator SIMON will be here to deal with the issues that might arise if we can do some further business. But I believe, if I heard what transpired, we might adopt the amendment, and we will then have a quorum call until a Member of the Democratic Party is here.

Mr. KYL. I thank the Senator.

Mr. President I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. KYL. I will not call for the yeas and nays.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3735) was agreed to.

Mr. SIMPSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I ask unanimous consent to speak as in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

THE APPROPRIATIONS PROCESS WORKS

Mr. DOLE. Mr. President, late this afternoon the conference committee on the five major appropriations bills had a breakthrough and reached an agreement. I want to reinforce what has been said by other Members of leadership and by Chairman HATFIELD, Chairman LIVINGSTON on the House side, and their Democratic counterparts.

In my view, after a long, long difficult process, I believe we have a package that can be supported by hopefully nearly everybody on both sides of the aisle. Some will complain the cuts are not deep enough. Others are going to complain the cuts go too far. But I believe that in the final analysis we will save about $23 billion over the last fiscal year through the appropriations process. That is very significant. That is a lot of money.

That is an indication that the appropriations process has worked and we can make reductions, the Government can continue even though we make reductions. Many of us hoped we could do better.

There are also a number of environmental issues that were resolved to the satisfaction, I believe, of most everyone in the conference. Some will be raised again on subsequent appropriations bills. But I wanted to take a moment to thank all those who were involved in the negotiations and all those who were willing to give and take so that this matter could be resolved and get it behind us.

It is time to move on to 1997 appropriations. We look forward to that. We hope we can pass all the appropriations bills by August 1 of this year. So keep in mind, we will take this up tomorrow. The House will act first. We hope to dispose of it before we go out tomorrow evening. We need to dispose of it before we go out tomorrow evening. But the bottom line is, according to those who have been keeping track of the numbers, we will save $23 billion this fiscal year because of the appropriators and the appropriations process and their good work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with consideration of the bill.

AMENDMENT NO. 3737 TO AMENDMENT NO. 3725

(Purpose: To establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed)

Mr. COVERDELL. Mr. President, I send a second-degree amendment to the pending amendment to the desk on behalf of the majority leader and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] for himself and Mr. DOLE proposes an amendment numbered 3737 to amendment 3725.

Mr. COVERDELL. Mr. President, I ask unanimous-consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, insert the following:

SEC. . EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) This section will become effective one day after the date of enactment of the Act.

Mr. COVERDELL. Mr. President, aliens are deportable for criminal offenses under section 241(a)(2) under four broad headings: General crime, controlled substances, certain firearm offenses, and miscellaneous crimes. This proposed amendment to S. 1664 creates two new headings: Domestic violence, violation of a protection order, crimes against children, and stalking. The other heading, crimes of sexual violence.

We are adding as offenses for grounds for deportation, the following offenses: Conviction of a crime of domestic violence; violation of a judicial protection order in a domestic violence context; conviction for stalking; conviction for child abuse, child sexual abuse, child negligence, or child abandonment; conviction of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crimes of sexual violence.

Mr. President, while some of these offenses may be deportable under existing headings of crimes of moral turpitude or aggravated felony, they are not necessarily covered. Uniformity is also a problem. Whether a crime is one of

moral turpitude is a question of State law and thus varies from State to State. An offense may be deportable in one State and not deportable in another. Misdemeanor offenses would not be covered under existing law.

Mr. President, under our amendment, stalkers would be deportable on their first offense. The second offense may be too late for their victims, who could well be injured or dead as a result.

Mr. President, it is estimated that over 200,000 women are stalked each year in the United States. Approximately 5 percent of all women will be stalked at some time in their lives. Investigations by State child protective service agencies in 48 States determined that 1.12 million children were victims of child abuse and negligence in 1994. This represents a 27 percent increase since 1990 when approximately 800,000 children were found to be victims of maltreatment.

Among the children, Mr. President, for whom maltreatment was substantiated or indicated in 1994, 53 percent suffered negligence, 26 percent physical abuse, 14 percent sexual abuse, 5 percent emotional abuse, and 3 percent medical negligence.

Mr. President, this is a good amendment. Mr. President, this will protect women and children in our society. As I said, it will have a very positive affect on the ability to deport an alien involved with these offenses that we are adding through these two new headings.

I yield the floor.

Mr. DOLE. Mr. President, under Title 8 of the U.S. Code, a number of criminal offenses are deemed deportable offenses. However, although aliens are deportable for criminal offenses, there are a number of crimes that should be grounds for deportation that are left unaddressed; and the wording of the statute itself uses vague language like crimes of moral turpitude that lack the certainty we should desire.

The amendment offered by Senator COVERDELL and myself seeks to remedy this problem by making clear that our society will not tolerate crimes against women and children. The criminal law should be a reflection of the best of our values, and it is important that we not only send a message that we will protect our citizens against these assaults, but that we back it up as well.

Under our amendment, certain criminal offenses would be grounds for deportation. These offenses include: conviction of a crime of domestic violence; violation of a judicial protection order in a domestic violence context; conviction for stalking; conviction for child abuse, child sexual abuse, child neglect, or child abandonment, and conviction of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crimes of sexual violence.

CRIMES OF DOMESTIC VIOLENCE

Adding these additional and specified categories of offenses closes the existing loopholes. Many crimes, ranging from simple assault to murder can be committed in a domestic violence context. Simple assault or assault and battery are not necessarily going to be interpreted as crimes of moral turpitude. Yet, because they may not otherwise fall within the other definitions—such as an aggravated felony—of deportable offenses, an alien convicted of such a crime might not be deported.

Our amendment would cover all convictions for domestic violence offenses, including those for which a sentence of less than 1 year is available.

VIOLATION OF A PROTECTIVE ORDER

In many States, protective orders in domestic violence situations have been ineffective due to problems with enforceability and insufficient penalties for violations. This is undoubtedly one reason all 50 States have passed antistalking legislation.

Greater attention to the problem has influenced a number of States to make violation of a protective order a separate criminal offense. However, making violation of a protective order a grounds for deportation will put more teeth into such an order.

The amendment does not require a conviction of violating protection order and thus would cover violations even in States where violating an order is not a separate criminal offense. This is an important loophole that must be closed.

STALKING

It is long past time to stop the vicious act of stalking in our country. We cannot prevent in every case the often justified fear that too often haunts our citizens. But we can make sure that any alien that commits such an act we no longer remain within our borders.

It is estimated that over 200,000 women are stalked each year in the United States. Approximately 5 percent of all women will be stalked at some point in their lives. Stalking behavior often leads to violence which may result in the serious injury or death of stalking victims.

Stalkers often repeat their stalking behavior and escalate to violence. Of all the women killed in the United States by husbands or boyfriends, 90 percent were stalked before being murdered.

But since stalking laws are fairly new, they may not be defined as crimes of moral turpitude in many States—they thus may not be covered by existing law. Similarly, in many States, the maximum penalty for stalking is less than 1 year—which strikes me as far too little—and therefore an alien may be convicted of a stalking offense and yet not be deported.

We can't wait for stalkers to strike a second time. Let's deport them the first time.

Mr. President, we face the same kinds of problems with existing law when we confront other crimes against women and children. While some of these offenses may be deportable under the existing headings of crimes of moral turpitude or aggravated felony, they are not necessarily and always covered. They should be.

Uniformity is also a problem. Whether a crime is one of moral turpitude is a question of State law and thus varies from State to State. An offense may be deportable in one State and not deportable in another.

Mr. President, America already bears a horrendous burden when it comes to the level of violence among our citizens. It is not asking too much that we insist that we treat crimes against women and children as seriously as we do other offenses. Nor should we have to wait for that last violent act. When someone is an alien and has already shown a predisposition toward violence against women and children, we should get rid of them the first time. We owe that much to our citizens.

Mr. SIMON. Mr. President, I was just shown this amendment a few minutes ago by Senator COVERDELL and Senator DOLE. I have every reason to believe that we can work out, if not this specific language, some modification to do this. I commend my colleague from Georgia for the amendment.

I ask, and we have an understanding on this, I ask unanimous consent that it be set aside until tomorrow.

Mr. COVERDELL. Mr. President, I also acknowledge that the Senator from Illinois has only had a brief moment to scan the outline of the amendment. We understand that and have agreed to set it aside so there is a more appropriate period of time for his side to view the contents of the amendment.

The PRESIDING OFFICER. The amendment is laid aside.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

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

YANKEE FOUNDATION

Mr. PRESSLER. Mr. President, on April 10, 1996, the New York Yankees baseball organization held its annual homecoming dinner. This year's dinner raised money for the Yankee Foundation, and paid special tribute to one of the Yankees' and indeed one of pro baseball's great players, the late Mickey Mantle. Former and current Yankees along with their friends and family will be on hand.

The Yankee Foundation raises money for youth programs and youth organizations throughout the Greater New York City area. The Yankees' principal owner George Steinbrenner presented the traditional ''Pride of the Yankees'' award to Mr. James M. Benson, president and chief operating officer of the Equitable Life Insurance Society. Mr. Benson received this honor

for his tireless work on behalf of the numerous philanthropic causes the Yankees are involved in.

Mr. William Denis Fugazy of Fugazy International also deserves mention. I know Bill Fugazy. He has been the general chairman of this dinner since its inception. Through Bill Fugazy's leadership, many young people have been given a chance to participate in some of the youth programs supported by the Yankees. The opportunity to participate in these programs helps young people develop skills which they can carry with them always. It is good to see sports franchises like the New York Yankees offer their communities more than just baseball games, and associate themselves with quality people like Bill Fugazy.

This year's dinner also honored the late great Mickey Mantle. All of us know of his well chronicled, storied career. Many of us followed his achievements on the field when we were kids. From his exciting rookie year through his triple crown, and MVP years, all of the World Series in which he participated, to his election to the Baseball Hall of Fame, Mantle provided many exciting memories for young and old fans alike. Few would disagree that he will remain the Pride of the Yankees, and all of baseball.

THE ARMENIAN GENOCIDE

Mr. BIDEN. Mr. President, I rise to pay tribute to the victims of the Armenian genocide, the first such crime against a people in the 20th century.

On April 24, 1915, 81 years ago today, the Ottoman Turkish Empire began the systematic rounding up and slaughter of Armenian intellectuals, clergy, businessmen, and other leaders of the community. Ultimately the horror claimed 1½ million lives and resulted in the exile of Armenians from much of their historic homeland in Asia Minor.

I like to think that some good can come from even the most horrifying evil. In this case a large segment of the Armenian diaspora, banished from its ancestral home, reached these shores. They and their descendents have immeasurably enriched the United States of America. In remembering the martyrdom of their fellow Armenians eight decades ago, we are also paying tribute to Armenian-Americans—to their patriotism, and to their many contributions to this land of freedom.

Mr. President, unfortunately there are some who would trivialize the Armenian genocide or even attempt to deny that it ever took place, just as there remain a twisted few who continue to deny the Holocaust that claimed 6 million Jews.

But, Mr. President, there is no denying the undeniable. The Armenians in the Ottoman Empire were not murdered because they were talented businessmen. They were not butchered because their community produced outstanding intellectuals. They were not slaughtered for any socioeconomic reason, however perverted. No, the Armenians were murdered because they were Armenians. This Mr. President, was genocide.

Unfortunately, genocide is a recurring fact of the 20th century. Fifteen years after the Armenian genocide occurred, Stalin began his insane collectivization that decimated the Ukrainian people.

I have already mentioned the Nazis' extermination of 6 million Jews in the Holocaust.

The 1970's witnessed Cambodia's killing fields where a significant proportion of the Khmer people perished.

The 1990's have seen the mass murder of Tutsis in Rwanda and the unspeakable horrors perpetrated upon Bosnian Muslims, cynically given the euphemism, ethnic cleansing.

Mr. President, we must endeavor to ensure that these vile deeds are never repeated yet another time. The first step in that process is to ensure that the memory of genocide is kept alive so that the truth will prevail over the purveyors of historical lies. The Holocaust memorial Museum here in Washington is serving a vital function in that regard.

Similarly, the proposed Armenian Genocide Memorial Museum of America promises to be an important vehicle for preserving and disseminating the truth.

On this solemn day of remembrance, I join millions of other Americans in commemorating the martyrdom of the Armenians and praying that their eternal sacrifice shall not have been in vain.

''LEGISLATING THE REVOLUTION''—HISTORY OF THE 104TH CONGRESS' FIRST 100 DAYS

Mr. PRESSLER. Mr. President, having written two books myself, I appreciate the great time and energy involved in preparing, researching, and writing a book, especially one recounting a complex series of historical events. As an enthusiast and lifelong student of history, I am pleased to bring to my colleagues' attention ''Legislating the Revolution,'' by James G. Gimpel. Jim is a native of western South Dakota. His thorough recounting of the Contract With America during the first 100 days of this Congress so impressed me that I hope my colleagues will take the opportunity to read it.

The book is fair, factual, and comprehensive. Appealing to a spectrum of readers ranging from the social scientist to the concerned citizen, Jim's book already is being used in college classrooms across the country as a resource and reference book. After countless interviews with Members of Congress, congressional staff, interest group representatives, pollsters and party leadership, the product is a detailed, thoughtful chronological record of the events which shaped the so-called Contract With America. The book examines the many individuals who, behind the scenes, created the Contract itself and the campaign that played such a significant part in the Republican takeover of Congress in November 1994. The first 100 days of the 104th Congress may have been history in the making, but the period prior to the Contract With America was a new and equally historic era. Republicans had not controlled both Houses of Congress simultaneously for more than 40 years. The late House Speaker Tip O'Neil coined the famous phrase, ''All politics is local.'' The Contract With America challenged that notion by nationalizing the congressional elections and unifying the Republican Party around common goals.

Jim Gimpel's examination of Republican and Democratic National Committee fundraising and campaigning, party and committee leadership, Southern Democratic influence and the mass electoral revolution, presents readers with a cornucopia of information and an understanding of the historic scope of the 1994 Congressional Revolution. He offers an overview of the efforts to pass the Contract in Congress, examining voting records and providing political analysis. The detailed accounts of the voting and the behind-the-scenes efforts made on both sides of the aisle paint a dramatic picture of the grueling give-and-take that produced unprecedented legislation. Through a series of theory testing, graphical representation, voting distributions, and the Perot factor, Gimpel thoroughly explains the background and the planks of the Contract With America, and forecasts the implications of these efforts on future elections and legislation.

Although Jim Gimpel covers each plank in the Contract with America, I would like to highlight several areas of personal interest, first, the Fiscal Responsibility Act and second, the Personal Responsibility Act. Jim's analysis of the balanced budget amendment and term limits—the Fiscal Responsibility Act—was outstanding. Jim offers a truly compelling and easy to grasp explanation of the importance of a balanced budget for the United States. As more and more Americans are beginning to realize, if the Federal Government continues to spend beyond our means, more and more of our taxes must finance debt repayment, instead of important programs such as agriculture, education, Social Security, and veterans programs. Jim brings this vital point home clearly and effectively.

He is equally clear and effective in his coverage of the welfare reform debate. As we all know, the original intent of the welfare system was to provide a simple safety net for the needy. The reality is the opposite: The current system acts as a harness holding down the recipients from taking personal responsibility for their own lives. Jim's tracking of the history, legislation, debates, and votes that produced the

House welfare reform bill—Personal Responsibility Act—is precise and accurate. I know my constituents would find this chapter of particular interest, if not shocking. South Dakotans work hard every day to provide for their families without Government assistance. They pride themselves on hard work, but as the book points out, the failed welfare system promotes costly dependency. Jim offers more than just a legislative history of this sensitive issue. He demonstrates the basic social need that requires Congress to act on this problem.

The importance of history cannot adequately be underscored. History—the understanding of history—is our map of not only our past, but also our future. ''Legislating the Revolution'' is a compelling map of an exciting past and an extraordinary future for policymakers and voters. It is a must read for every American.

ARMENIAN GENOCIDE

Mr. PRESSLER. Mr. President, today, I join with many of our colleagues in commemorating the 81st anniversary of the Armenian genocide. Today marks the exact day when 200 of the Armenia's academic, political, and religious leaders were taken from the city of Istanbul in 1915. The ability of Armenians to free themselves from the Ottoman Empire rested heavily on the plans and ideas of those who vanished. It was an ominous beginning to one of this century's darkest tragedies. This Senate should recognize and all Americans should remember, what occurred over there 81 years ago. That is why I stand here with my colleagues to urge an accurate remembrance of the past, of those who were slain by the Ottoman Turks, and plead that such hateful crimes against humanity never happen again. We stand in honor of those who were unable to take a stand 81 years ago today. We must try to heal the wounds of the past by remembering and recording the historical truths.

The Ottoman Empire's actions—deliberate, planned, and deceitful actions—against the Armenian people should be remembered for what it actually was—genocide. The Armenian genocide was a hateful act whose objective was focused on the systematic annihilation of a people, their heritage, their culture, their identity, and their future. It is unfortunate that in recent years historians and politicians alike have tried to soften the terms used to describe this heinous crime against humanity. What occurred involves deportation, slavery, the loss of basic human rights, and wholesale murder—all targeted deliberately and methodically against one ethnic group. The record is clear. Genocide is genocide. To shy away from recognizing the Armenian genocide is to ignore and deny the historic truth, and that would put at risk the harsh lessons that must be learned if we are to avoid repeating that tragic history. The Armenians remember, but all must recognize and embrace the past, painful as it may be. It is said that the bitter pills of the past are the better tonics of a brighter future.

About 600,000 Americans who consider themselves to be Armenians live in the United States. Many are survivors of the genocide, or are the children of survivors. About 1.5 million Armenians were killed or died during the mass deportation which began in 1915 and continued for many years. Two-thirds of all Armenians in Turkey were killed. In the region of Anatolia and western Armenia, the entire community of Armenians was extinguished or deported.

It has been 81 years since that awful tragedy. Turkey has not apologized to the Armenians. That is unfortunate.

Armenians are a strong, resilient people, struggling to heal the wounds of the past. But the wounds cannot be sealed until the story is complete. Until the Armenian genocide is officially acknowledged, the wounds will remain unhealed and the lessons will not be firmly learned. We do not deny the brutal nature of the Holocaust to the Jewish-American community. We are coming to grips with the severe violence against the people of Bosnia. We should not deny the Armenian people a similar place in history. To do so would dishonor ourselves, and spoil accurate understanding of the past. It is in the best interest of the American people and the entire global community to remember the past accurately. That is why we commemorate and honor those who were affected by the Armenian genocide.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 23, 1996, the Federal debt stood at $5,106,372,425,943.99.

On a per capita basis, every man, woman, and child in America owes $19,291.37 as his or her share of that debt.

81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. DOLE. Mr. President, today marks the 81st anniversary of the Armenian Genocide. As Armenians gather worldwide today to commemorate the anniversary, I rise to pay tribute to the victims of this tragedy. Although some still refuse to recognize historical fact, there should be no doubt that the Armenian people suffered the first genocide of the modern age.

As many of my colleagues know, between the years 1915–23, 1.5 million Armenians were subjected to systematic extermination through a policy of deportation, torture, starvation, and massacre. At the time, the world recognized that the Ottoman Empire had committed a crime against humanity, though the term ''genocide'' would not be coined until years later. The United States condemned the brutal treatment of the Armenians. The United States rendered humanitarian assistance to many of the survivors in the largest relief effort every organized by this country. Yet even with all the facts that we have before us, most of which have been compiled by U.S. sources, some still refuse to acknowledge that there was a genocide.

Most of us are willing to look history in the eye and see the danger of closing our eyes and hearts to the truth of the tragedy which took place. We will not cease in our efforts to remember what happened. This year, along with 25 of my colleagues, I signed a bipartisan letter urging the President to use the word ''genocide'' in his statement commemorating the anniversary. Mr. President, while nearly every other nation recognizes the Genocide, one nation still insists that the Genocide never happened—the Government of Turkey. As I have stated in the past, no responsibility for the history of the Genocide rests with either the Turkish people or their modern-day government. The Ottoman Empire, which committed the Genocide against the Armenians, has not existed since October 19, 1923. As Operation Desert Storm again demonstrated, Turkey is an important friend and partner to the United States, and we highly value our friendship with the Turkish Government and people. That friendship would not suffer from, and in fact, would be strengthened, by recognizing the fact of the Armenian Genocide.

At a time when the world is beset by problems, including acts of genocide, the United States cannot fail to send a unified message. Only by issuing a clear statement on genocide can the United States convey to the world our Nation's resolve and determination to prevent such crimes from recurring. We cannot allow history to dictate the future, but neither can we forget history nor turn our backs on the truth. On this 81st anniversary of the Armenian Genocide, let all of us as Americans, even as we remember the tragic events of the past, rededicate ourselves to making sure it never happens again. Finally, I would add that President Clinton has just issued his statement commemorating the anniversary of the Genocide. It is unfortunate that unlike his statement in 1992, this year's statement does not use the historically correct word of ''genocide'' to describe what happened to the Armenian people from 1915 to 1923.

Mr. President, I ask unanimous consent that our letter to the President be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, April 23, 1996.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: This year marks the 81st anniversary of the Armenian Genocide. Armenian-Americans throughout the United States and the world will be commemorating this event on April 24th.

As you know, the Armenian people of the Ottoman Empire were subjected to a ruthless, systematic and well-organized policy of deportation, confiscation of property, slave labor, denial of basic rights and, ultimately, murder. It is estimated that a million and a half Armenians eventually perished. The world recognized at the time that a crime against humanity had been committed. The United States condemned the brutal treatment of the Armenians and rendered humanitarian assistance to many of the survivors in the largest relief effort ever organized by this country.

This year, in a bi-partisan initiative, members of Congress will again call on you to reaffirm the Armenian Genocide as a crime against humanity. We believe there is a difference between using the word ''massacres'', rather than the word ''genocide'', to describe the systematic annihilation of 1.5 million Armenians. This is a distinction between a random series of atrocities and a methodical, ethnically-based policy of extermination. The historical record—much of it compiled from American sources—clearly indicates that the latter description reflects the truth.

Mr. President, the survivors and their descendants, who now number one million Americans, have not forgotten the Armenian Genocide. We again ask you to issue a clear and unambiguous statement reaffirming the Armenian Genocide as a crime against humanity.

At a time when the world is beset by problems, including acts of genocide, the United States cannot fail to send a unified message that can prevent future acts of inhumanity. Only by issuing such a statement can the United States convey to the world our nation's resolve and determination to prevent such crimes from recurring.

Sincerely,

Bob Dole, Olympia Snowe, Nancy Landon Kassebaum, Larry Pressler, Chuck Robb, Mike DeWine, Jesse Helms, Alfonse D'Amato, John Ashcroft, Frank R. Lautenberg, Joe Lieberman, Ted Kennedy, Daniel Patrick Moynihan, Barbara Boxer, John F. Kerry, Claiborne Pell, Carl Levin, ———, Mark O. Hatfield, Bill Bradley, Spencer Abraham, Herbert Kohl, Dianne Feinstein, Paul Sarbanes, Carol Moseley-Braun, John Glenn.

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1772. An act to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex.

H.R. 1836. An act 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.

H.R. 1965. An act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

H.R. 2024. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purpose.

H.R. 2160. An act to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 and the Anadromous Fish Conservation Act.

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

H.R. 2679. An act to revise the boundary of the North Platte National Wildlife Refuge.

H.R. 3049. An act to amend section 1505 of the Higher Education Amendment of 1986 to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

ENROLLED BILL SIGNED

The following enrolled bill was signed by the President pro tempore [Mr. THURMOND].

S. 735. An act to deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

At 12:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate.

H.J. Res. 175. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 55. Concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 6 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 175. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1772. An act to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex; to the Committee on Environment and Public Works.

H.R. 1965. An act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 2679. An act to revise the boundary of the North Platte National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 3049. An act to amend section 1505 of the Higher Education Act of 1965 to provide for the continuity of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development; to the Committee on Labor and Human Resources.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1836. An act 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.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 2937. An act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 24, 1996, he had presented to the President of the United States, the following enrolled bill.

S. 735. An act to deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2295. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Review of the Financial and Administrative Activities of the Boxing and Wrestling Commission for Fiscal Year 1995''; to the Committee on Governmental Affairs.

EC–2296. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report entitled ''Final Allocations of the District of Columbia's Fiscal Year 1996 Budget''; to the Committee on Governmental Affairs.

EC–2297. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–2298. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report for calendar years 1994 and 1995; to the Committee on Governmental Affairs.

EC–2299. A communication from the Director of the Executive Office of the President, Office of Management and Budget, transmitting, a draft of proposed legislation entitled ''The Statistical Confidentiality Act''; to the Committee on Governmental Affairs.

EC–2300. A communication from the Director of the Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, the report under the Computer Matching and Privacy Protection Act for calendar years 1992 and 1993; to the Committee on Governmental Affairs.

EC–2301. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2302. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the report under the Chief Financial Officers Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2303. A communication from the U.S. Commissioner of the Delaware River Basin Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC–2304. A communication from the U.S. Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC–2305. A communication from the Executive Director of the Japan-U.S. Friendship Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC–2306. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–2307. A communication from the Chair of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–2308. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the annual reports of federal pension plans for calendar year 1995; to the Committee on Governmental Affairs.

EC–2309. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Chief Financial Officers Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2310. A communication from the Office of Special Counsel, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2311. A communication from the Director of the Institute of Museum Services, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2312. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2313. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for February 1996; to the Committee on Governmental Affairs.

EC–2314. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2315. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of proposed regulations; to the Committee on Rules and Administration.

EC–2316. A communication from the Director of Audit Oversight and Liaison, General Accounting Office, transmitting, pursuant to law, the report of the audit of the U.S. Government Printing Office's financial statements for fiscal year 1995; to the Committee on Rules and Administration.

EC–2317. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on direct spending or receipts legislation within five days of enactment; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

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. BINGAMAN (for himself, Mr. DASCHLE, and Mr. DORGAN):

S. 1697. A bill to amend the independent counsel statute to require that an individual appointed to be an independent counsel must agree to suspend any outside legal work or affiliation with a law firm until the individual's service as independent counsel is complete; to the Committee on Governmental Affairs.

By Mr. DASCHLE:

S. 1698. A bill entitled the ''Health Insurance Reform Act of 1996''; read the first time.

By Mr. BINGAMAN:

S. 1699. A bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. HARKIN, Mr. REID, and Mr. D'AMATO):

S. 1700. A bill to reduce interstate street gang and organized crime activity, and for other purposes; to the Committee on the Judiciary.

By Mr. PELL:

S. 1701. A bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, and Mr. SHELBY):

S. Res. 250. A resolution expressing the sense of the Senate regarding tactile currency for the blind and visually impaired; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT:

S. Con. Res. 54. A concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes; considered and agreed to.

S. Con. Res. 55. A concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. DOLE, Mr. HELMS, Mr. PELL, and Mr. LEVIN):

S. Con. Res. 56. A concurrent resolution recognizing the tenth anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. DASCHLE and Mr. DORGAN):

S. 1697. A bill to amend the independent counsel statute to require that an individual appointed to be an independent counsel must agree to suspend any outside legal work or affiliation with a law firm until the individual's service as independent counsel is complete; to the Committee on Governmental Affairs.

THE INDEPENDENT COUNSEL AMENDMENT ACT OF 1996

Mr. BINGAMAN. Mr. President, I rise to introduce legislation on behalf of the distinguished Minority leader and myself that amends the independent counsel statute.

In my opinion recent events have made clear that Congress should review the statute providing for the appointment of an independent counsel. The specific problem that concerns me, and which my bill will address, is the perception that an independent counsel who continues to practice law and represent clients while serving as independent counsel opens himself or herself to charges of conflict of interest resulting from continued representation of private clients.

The bill I am introducing today amends the independent counsel statute to eliminate the possibility that such a conflict of interest will arise by requiring that, upon assuming the duties of independent counsel, an attorney refrain from representing clients until her duties as independent counsel have been completed. Additionally, my bill requires that the independent counsel not receive any compensation for affiliating with or being employed by an entity that provides professional legal services during the time of their service as independent counsel.

This bill would not apply to the current independent counsel investigating the Whitewater matter. It would only apply to independent counsels appointed after the effective date of this legislation.

Mr. President, as my friend and colleague from Arkansas, Senator PRYOR pointed out yesterday, the Washington Post reported that the current independent counsel, Mr. Starr, has retained the services of Sam Dash, former chief counsel to the Senate Watergate Committee and a noted scholar on issues relating to legal ethics to advise Mr. Starr on matters stemming from his continued affiliation with his law firm and continued representation of clients.

Setting aside for a moment the fact that Mr. Starr has seen fit to retain Mr. Dash on a part-time basis at a cost to the taxpayers of over $166,000, it strikes many as a little odd, Mr. President, that an independent counsel has for the first time hired someone to advise him on what is ethical and what is not. It is my understanding from published reports in the Washington Post, the New Yorker, and other sources,

that the primary ''ethical'' concern that Mr. Dash is advising the Whitewater independent counsel on, is related to issues that have arisen as a result of Mr. Starr's continued private practice of law and his continued representation of clients who, at the very least, have agendas that are diametrically opposed to one of the primary targets of the Whitewater investigation—the Clinton administration. Commenting on the issues that have been raised by Mr. Starr's involvement with the Bradley Foundation, a conservative foundation that gives money to many virulent critics of the Clinton administration, Ellen Miller, executive director of the Center for Responsive Politics said, ''But you don't have to scratch far beneath the surface to find not just one but many, many, many conflicts of interest.''

Mr. President, I am not here to judge the numerous allegations of conflicts of interests that have been brought against the current Whitewater independent counsel. Those issues need to be addressed by the special panel of judges from the U.S. Court of Appeals for the District of Columbia which appointed Mr. Starr. However, I do think that the Congress has an opportunity and indeed the obligation to ensure that the current troubles plaguing Mr. Starr do not plague future independent counsels.

Mr. President, I think that too often we search for complicated solutions to simple problems. We devise complex mechanisms to deal with rather straightforward issues. I believe that we can and should avoid doing that in this case. My legislation addresses a serious concern with a simple and straightforward response. Potential conflicts of interest resulting from continued, outside employment by a law firm and from representation of outside clients can be avoided by simply requiring that the independent counsel devote her fulltime attention to the duties of the independent counsel's office.

No one will argue, Mr. President, that the office of independent counsel has not served an important function since the days of Watergate. The integrity and impartiality of the office is far too important to its proper functioning to risk under circumstances like those swirling around the current Whitewater independent counsel. That is why I offer this legislation. I am trying by this pro-active legislation to eliminate the need for other independent counsel to hire Mr. Dash or anyone else to advise them on potential conflicts of interest they might have.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1697

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

SECTION 1. STANDARDS OF CONDUCT FOR INDEPENDENT COUNSELS.

Paragraph (1) of section 594(j) of title 28, United States Code, is amended to read as follows:

''(1) RESTRICTIONS ON EMPLOYMENT WHILE INDEPENDENT COUNSEL AND APPOINTEES ARE SERVING.—(A) During the period in which an independent counsel is serving under this chapter, the independent counsel shall not—

''(i) engage in any legal work other than as required for service under this chapter; or

''(ii) receive any compensation for affiliating with or being employed by an entity that provides professional legal services.

''(B) During the period in which an independent counsel is serving under this chapter, any person associated with a firm with which such independent counsel is associated, may not represent in any matter any person involved in any investigation or prosecution under this chapter. During the period in which any person appointed by an independent counsel under subsection (c) is serving in the office of independent counsel, such person may not represent in any matter any person involved in any investigation or prosecution under this chapter.''.

By Mr. BINGAMAN:

S. 1699. A bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT OF 1996

Mr. BINGAMAN. Mr. President, in December 1994, Congress received the National Cave and Karst Research Institute Study from the National Park Service. The report studied the feasibility of creating a National Cave and Karst Research Institute in the vicinity of Carlsbad Caverns National Park, NM, as directed by Public Law 101–578. Today, I am here to introduce a bill which follows the guidelines of that report and which will establish the National Cave and Karst Research Institute in Carlsbad, NM.

While other nations have recognized the importance of cave resource management information and have sponsored cave and karst research, the United States has failed, until recently, to appreciate or work to understand cave and karst systems and their importance. As we approach the 21st century, the protection and management of our water resources has been identified as one of the major issues facing the world. In America, the majority of the Nation's freshwater is ground water—of which 25 percent is located in cave and karst regions.

Recent studies have also indicated that caves contain valuable information related to global climate change, waste disposal, ground water supply and contamination, petroleum recovery, and biomedical investigations. Caves provide a unique understanding of the historic events of humankind. Further they are considered sacred and have religious significance for American Indians and other native Americans.

According to the Federal Cave Resources Protection Act, karst is defined as a landform characterized by sinkholes, caves, dry valleys, fluted rocks, enclosed depressions, underground streamways and spring resurgences. As a whole, 20 percent of the United States is karst. In fact, east of central Oklahoma, 40 percent of the country is karst. Our National Park System manages 58 units with caves and karst features, yet academic programs on these systems are virtually nonexistent. Most research is conducted with little or no funding and the resulting data is scattered and often hard to locate. The few cave and karst organizations and programs which do exist, have substantially different missions, locations, and funding sources and there is no centralized program to analyze data or determine future research needs.

In 1988, Congress directed the Secretaries of the Interior and Agriculture to provide an inventory of caves on Federal lands and to provide for the management and dissemination of information about the caves. That directive has served only to make Federal land management agencies more aware of the need for a cave research program and a repository for cave and karst resources. In 1990, Congress further directed the Secretary of the Interior, through the Director of the National Park Service, to establish and administer a cave research program and prepare a proposal for Congress on the feasibility of a centralized National Cave and Karst Research Institute.

The National Cave and Karst Research Institute study report to Congress was released in December 1994 and not only supports establishing the institute, but lists several serious threats to continued uninformed management practices. Threats such as: alterations in the surface waterflow patterns in karst regions, alterations in or pollution of water infiltration routes, inappropriately placed toxic waste repositories, and poorly managed or designed sewage systems and landfills. The findings of the report conclude that it is only through a better understanding of cave resources that we can prevent detrimental impacts to America's natural resources and cave ecosystems.

The goals of the National Cave and Karst Research Institute, as outlined in the report, would be to further the science of speleology, to centralize speleological information, to further interdisciplinary cooperation in cave and karst research programs, and to promote environmentally sound, sustainable resource management practices. These goals would work hand in hand with the proposed objectives of the institute to establish a comprehensive cave and karst library and information data base, to sponsor national and international cave and karst symposiums, to develop longterm research studies, to produce cave-related educational publications and to develop cooperative agreements with all Federal agencies having cave management responsibilities.

The vicinity of Carlsbad Caverns National Park is ideal due to the community support which already exists for the establishment of the institute and the diverse cave and karst resources which are found throughout the region.

Carlsbad, NM has grown from a small railroad stop on what is now the Santa Fe Railroad to a growing city with a population of over 170,000 in the tricounty area. It continues to attract new businesses, small manufacturers, retirees, and research facilities, including the U.S. Department of Energy's Carlsbad area office. In addition, Carlsbad Caverns National Park attracts over 700,000 visitors per year.

The National Cave and Karst Research Institute would be jointly administered by the National Park Service and another public or private agency, organization or institution as determined by the Secretary. The Carlsbad Department of Development [CDOD], after reviewing the National Cave and Karst Research Institute study report, has developed proposals to obtain financial support from available and supportive organizational resources—including personnel, facilities, equipment, and volunteers. They further believe that they can obtain serious financial support from the private sector and would seek a matching grant from the State of New Mexico equal to the available Federal funds.

Carlsbad already has in place many of the needed cooperative institutions, facilities, and volunteers that will work toward the success of the National Cave and Karst Institute. I strongly urge my colleagues to support this legislation to increase our understanding of cave and karst systems.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1699

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 ''National Cave and Karst Research Institute Act of 1996''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to further the science of speleology;

(2) to centralize and standardize speleological information;

(3) to foster interdisciplinary cooperation in cave and karst research programs;

(4) to promote public education;

(5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and

(6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary''), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the ''Institute'').

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled ''An Act to conduct certain studies in the State of New Mexico'', approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

(1) a grant or donation from a private person;

(2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. HARKIN, Mr. REID, and Mr. D'AMATO):

S. 1700. A bill to reduce interstate street gang and organized crime activity, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL GANG VIOLENCE ACT OF 1996

Mr. HATCH. Mr. President, I rise today to introduce the Federal Gang Violence Act. I am pleased to be joined in this important effort by Senator FEINSTEIN, as well as by Senators KERRY, HARKIN, REID, and D'AMATO.

Gang violence in many of our communities is reaching frightening levels. Recently, Asipeli Mohi, a 17-year-old Utahn, was tried and convicted of the gang-related beating and shooting death of another teenager, Aaron Chapman. Why was Aaron Chapman murdered? He was wearing red, apparently the color of a rival gang. Ironically, Mr. Chapman was on his way home from attending an antigang benefit concert when he was killed. Before committing this murder, the killer had racked up a record of 5 felonies and 15 misdemeanors in juvenile court. Sadly, this example of senseless gang violence is not an isolated incident in my State or elsewhere. It is a scene replayed daily with disturbing frequency.

Gang violence is now common even in places where this would have been unthinkable several years ago. Indeed, many people find it hard to believe that Salt Lake City or Ogden could have such a problem—gangs, they think, are a problem in cities like New York, Chicago, and Los Angeles, but not in our smaller cities.

However, reality is much grimmer. Since 1992, gang activity in Salt Lake City has increased tremendously. For instance, the number of identified gangs has increased 55 percent, from 185 to 288, and the number of gang members has increased 115 percent, from 1,438 to 3,104.

The number of gang-related crimes has increased a staggering 388 percent, from 1,741 in 1992 to 8,496 in 1995. In 1995, 174 of these involved drive-by shootings, and in the first quarter of 1996 alone, there were 64 gang-related drive-by shootings.

Our problem is severe. Moreover, there is a significant role the Federal Government can play in fighting this battle. I am not one to advocate the unbridled extension of Federal jurisdiction. Indeed, I often think that we have federalized too many crimes. However, in the case of criminal street gangs, which increasingly are moving interstate to commit crimes, there is a very proper role for the Federal Government to play.

This bill will strengthen the coordinated, cooperative response of Federal, State, and local law enforcement to criminal street gangs by providing more flexibility to the Federal partners in this effort. Among the important provisions of this bill:

This legislation increases the ability of the Federal Government to prosecute criminal street gangs that operate interstate or commit Federal or State gang related crimes, by updating the criminal gang and Travel Act provisions of the Federal criminal code. Under our bill, these laws will cover criminal activities typically engaged in by gangs.

Our bill adds a 1- to 10-year sentence for the recruitment of persons into a gang. Importantly, there are even tougher penalties for recruiting a minor into a gang, including a 4-year mandatory minimum sentence.

The bill adds the use of a minor in a crime to the list of offenses for which a person can be prosecuted under the Federal racketeering laws, known as RICO.

It enhances the penalties for transferring a handgun to a minor, knowing that it will be used in a crime of violence; and adds a new Federal penalty for the use of body armor in the commission of a Federal crime.

Finally, the legislation we introduce today adds serious juvenile drug offenses to the list of predicates under

the Federal Armed Career Criminal Act, and authorizes $20 million over 5 years to hire Federal prosecutors to crack down on criminal gangs.

Mr. President, this legislation is not a panacea for our youth violence crisis. But it is a large and critical step in addressing this issue. I look forward to working with my colleagues on this bill, and urge their support.

Mr. President, I ask unanimous consent that the bill and a section analysis be printed in the RECORD.

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

S. 1700

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 ''Federal Gang Violence Act''.

SEC. 2. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS GANG MEMBER.

(a) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 3 of the Federal Sentencing Guidelines so that, except with respect to trafficking in cocaine base, if a defendant was a member of a criminal street gang at the time of the offense, the offense level is increased by 6 levels.

(2) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made pursuant to paragraph (1) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

(3) DEFINITION.—For purposes of this section, the term ''criminal street gang'' has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 3 of this Act.

SEC. 3. AMENDMENT OF TITLE 18 WITH RESPECT TO CRIMINAL STREET GANGS.

Section 521 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(a) DEFINITIONS.—'' and inserting ''(a) DEFINITIONS.—For purposes of this section the following definitions shall apply:'';

(B) by striking '''conviction''' and inserting the following:

''(1) CONVICTION.—The term 'conviction'';

(C) in paragraph (1), as so designated, by striking ''violent or controlled substances felony'' and inserting ''predicate gang crime''; and

(D) by striking '''criminal street gang''' and all that follows through the end of the subsection and inserting the following:

''(2) CRIMINAL STREET GANG.—The term 'criminal street gang' means an ongoing group, club, organization, or association of 3 or more persons, whether formal or informal—

''(A) a primary activity of which is the commission of 1 or more predicate gang crimes;

''(B) the members of which engage, or have engaged during the 5-year period preceding the date in question, in a pattern of criminal activity involving 1 or more predicate gang crimes; and

''(C) the activities of which affect interstate or foreign commerce.

''(3) PATTERN OF CRIMINAL ACTIVITY.—The term 'pattern of criminal activity' means the commission of 2 or more predicate gang crimes—

''(A) at least 1 of which was committed after the date of enactment of the Federal Gang Violence Act;

''(B) the last of which was committed not later than 3 years after the commission of another predicate gang crime; and

''(C) which were committed on separate occasions.

''(4) PREDICATE GANG CRIME.—The term 'predicate gang crime' means—

''(A) an offense described in subsection (c);

''(B) a State offense—

''(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is imprisonment for not less than 5 years; or

''(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

''(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense, including—

''(i) assault with a deadly weapon;

''(ii) homicide or manslaughter;

''(iii) shooting at an occupied dwelling or motor vehicle;

''(iv) kidnaping;

''(v) carjacking;

''(vi) robbery;

''(vii) drive-by-shooting;

''(viii) tampering with or retaliating against a witness, victim, informant, or juror;

''(ix) rape;

''(x) mayhem;

''(xi) torture; and

''(xii) arson;

''(D) any Federal or State offense that is—

''(i) grand theft;

''(ii) burglary;

''(iii) looting;

''(iv) felony extortion;

''(v) possessing a concealed weapon;

''(vi) grand theft auto;

''(vii) money laundering;

''(viii) felony vandalism;

''(ix) unlawful sale of a firearm; or

''(x) obstruction of justice; and

''(E) a conspiracy, attempt, or solicitation to commit any offense described in subparagraphs (A) through (D).''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''continuing series of offenses described in subsection (c)'' and inserting ''pattern of criminal activity; and

(B) in paragraph (3), by striking ''years for—'' and all that follows through the end of the paragraph and inserting ''years for a predicate gang crime.''.

SEC. 4. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL STREET GANGS.

(a) TRAVEL ACT AMENDMENTS.—

(1) PROHIBITED CONDUCT AND PENALTIES.—Section 1952(a) of title 18, United States Code, is amended to read as follows:

''(a) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

''(1) distribute the proceeds of any unlawful activity;

''(2) commit any crime of violence to further any unlawful activity; or

''(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

and thereafter performs, attempts to perform, or conspires to perform—

''(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 10 years, or both; or

''(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.''.

(2) UNLAWFUL ACTIVITIES.—Section 1952(b) of title 18, United States Code, is amended to read as follows:

''(b) As used in this section—

''(1) the term 'unlawful activity' means—

''(A) activity of a criminal street gang as defined in section 521 of this title;

''(B) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

''(C) extortion; bribery; arson; robbery; burglary; assault with a deadly weapon; retaliation against or intimidation of witnesses, victims, jurors, or informants; assault resulting in bodily injury; possession or trafficking of stolen property; trafficking in firearms; kidnapping; alien smuggling; shooting at an occupied dwelling or motor vehicle; or insurance fraud; in violation of the laws of the State in which the offense is committed or of the United States; or

''(D) any act that is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title; and

''(2) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines so that—

(1) the base offense level for traveling in interstate or foreign commerce in aid of a street gang or other racketeering enterprise is increased to 12; and

(2) the base offense level for the commission of a violent crime in aid of a street gang or other racketeering enterprise is increased to 24.

SEC. 5. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 522. Recruitment of persons to participate in criminal gang activity

''(a) PROHIBITED ACT.—It shall be unlawful for any person to—

''(1) use any facility of, or travel in, interstate or foreign commerce, or cause another to do so, to solicit, request, induce, counsel, command, cause or facilitate the participation of, a person to participate in a criminal street gang, or otherwise cause another to do so, or conspire to do so; or

''(2) solicit, request, induce, counsel, command, cause, or facilitate the participation of a person to engage in crime for which such person may be prosecuted in a court of the United States, or otherwise cause another to do so, or conspire to do so.

''(b) PENALTIES.—A person who violates subsection (a) shall—

''(1)(A) if the person is a minor, be imprisoned for not less than 4 years and not more than 10 years, fined not more than $250,000, or both; or

''(B) if the person is not a minor, be imprisoned for not less than 1 year and not more than 10 years, fined not more than $250,000, or both; and

''(2) be liable for any cost incurred by the Federal Government or by any State or local

government for housing, maintaining, and treating the minor until the minor reaches the age of 18.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'criminal street gang' has the same meaning given such term in section 521; and

''(2) the term 'minor' means a person who is younger than 18 years of age.''.

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines so that the base offense level for recruitment of a minor to participate in a gang activity is 12.

(c) TECHNICAL AMENDMENT.—The analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following new item:

''522. Recruitment of persons to participate in criminal gang activity.''.

SEC. 6. CRIMES INVOLVING THE USE OF MINORS AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or'' before ''(E)''; and

(2) by inserting before the semicolon at the end of the paragraph the following: '', or (F) any offense against the United States that is punishable by imprisonment for more than 1 year and that involved the use of a person under the age of 18 years in the commission of the offense''.

SEC. 7. TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.

Section 924(h) of title 18, United States Code, is amended by striking ''10 years, fined in accordance with this title, or both'' and inserting ''10 years, and if the transferee is a person who is under 18 years of age, not less than 3 years; fined under this title; or both''.

SEC. 8. PENALTIES.

Section 924(a) of title 18, United States code, is amended—

(1) by redesignating paragraph (5), as added by section 110201(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (6); and

(2) in paragraph (6), as so redesignated—

(A) by striking subparagraph (A);

(B) in subparagraph (B)—

(i) by striking ''(B) A person other than a juvenile who knowingly'' and inserting ''(A) A person who knowingly'';

(ii) in clause (i), by striking ''1 year'' and inserting ''not less than 1 year and not more than 5 years''; and

(iii) in clause (ii), by inserting ''not less than 1 year and'' after ''imprisoned''; and

(C) by adding at the end of the following new subparagraph:

''(B) Notwithstanding subparagraph (A), no mandatory minimum sentence shall apply to a juvenile who is less than 13 years of age.''.

SEC. 9. THE JAMES GUELFF BODY ARMOR ACT.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 931. Use of body armor in Federal offenses

''(a) PROHIBITED ACTIVITY.—It shall be unlawful to use body armor in the commission of a Federal crime.

''(b) APPLICABILITY.—This section shall not apply if the Federal crime in which the body armor is used constitutes a violation of the civil rights of a person by a law enforcement officer acting under color of the authority of such law enforcement officer.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'body armor' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment; and

''(2) the term 'law enforcement officer' means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

''(d) PENALTIES.—

''(1) IMPRISONMENT.—Whoever knowingly violates this section shall be imprisoned for a term of 2 years.

''(2) CONSTRUCTION.—A sentence under this paragraph shall be consecutive to any sentence imposed for the Federal crime in which the body armor was used.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

''931. Use of body armor in Federal offenses.''.

SEC. 10. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of clause (i);

(2) by adding ''or'' at the end of clause (ii); and

(3) by adding at the end the following new clause:

''(iii) any act of juvenile delinquency that if committed by an adult would be an offense described in clause (i) or (ii);''.

SEC. 11. INCREASE IN TIME LIMITS FOR JUVENILE PROCEEDINGS.

Section 5036 of title 18, United States Code, is amended by striking ''thirty'' and inserting ''70''.

SEC. 12. APPLYING RACKETEERING OFFENSES TO ALIEN SMUGGLING AND FIREARMS OFFENSES.

Section 1961(1) of title 18, United States Code, as amended by section 6 of this Act, is amended by inserting before the semicolon at the end the following: '', (G) any act, or conspiracy to commit any act, in violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328), or (H) any act or conspiracy to commit any act in violation of chapter 44 of this title (relating to firearms)''.

SEC. 13. USE OF LINGUISTS.

(a) IN GENERAL.—The Secretary of State shall identify qualified translators who the Secretary shall identify qualified translators who the Secretary shall make available to assist Federal law enforcement agencies in criminal investigations by monitoring legal wiretaps and translating recorded conversations.

(b) EMPHASIS.—In carrying out subsection (a), the Secretary of State shall place special emphasis on translators in States in which most criminal street gangs and organized crime syndicates operate.

SEC. 14. ADDITIONAL PROSECUTORS.

There are authorized to be appropriated $20,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001 for the hiring of additional Assistant United States Attorneys to prosecute violent youth gangs.

SUMMARY OF THE FEDERAL GANG VIOLENCE ACT

(Senators Orrin Hatch, Dianne Feinstein, John Kerry, Tom Harkin, Harry Reid, and Alfonse D'Amato, April 24, 1996)

Section 1. Short title

This section identifies the Act as the ''Federal Gang Violence Act.''

Section 2. Increase in offense level for participation of crime as gang member

This legislation doubles the penalty for any member of an organized criminal street gang who commits a federal crime.

Current federal law increases the penalties for organizers, leaders, managers and supervisors of criminal activity—including gang leaders—who commit a federal crime. However, members of known criminal street gangs currently are not subjected to higher penalties when a federal crime is committed. Many prosecutors and law enforcement leaders indicate that gang members—in addition to the leaders and supervisors of gangs—should see their penalties increased to provide a stronger deterrent for children to stay away from gangs.

This legislation amends the Sentencing Guidelines so that individual gang members convicted of felonies would have their sentencing level approximately doubled, by adding six levels to the base offense level for the crime they committed. Gang leaders and organizers would also have their sentences increased by six sentencing levels.

There are some examples of the effect of this increase for gang members, assuming they have no other aggravating or mitigating factors:

Crime	First-time offender		Second-time offender	
	Current	Proposed	Current	Proposed
Drive-by shooting related to 20 grams of cocaine	1¼ to 1¾	2¾ to 3½	1¾ to 2¼	3½ to 4¾
Burglary	2 to 2½	4 to 4¾	2½ to 3	4¾ to 6
Extortion	2¾ to 3½	5¼ to 6½	3½ to 4¼	6¾ to 8
Witness intimidation	2¾ to 3½	5¼ to 6½	3½ to 4¾	6½ to 8
Gun trafficking	4¾ to 6	9 to 11¼	6 to 7¼	11¼ to 14
Robbery with a handgun	5¼ to 6½	10 to 12½	6½ to 8	12½ to 15¾

Section 3. Amendment to title 18 with respect to criminal street gangs

This legislation expends the definition of criminal street gangs to better reflect modern day gang activity.

Current federal law bases the definition and penalties for criminal street gangs upon the commission of a *federal crime of violence or a federal crime involving a controlled substance.* Under existing federal law, a person eligible for prosecution as a criminal street gang member must have been convicted within the previous 5 years of a federal or state drug crime or crime of violence, as well as having participated in, or furthered the activities of, a gang. This legislation broadens the definition of criminal street gang activity to include many types of state crimes, such as drive-by shootings, rape, torture, carjacking, kidnaping, and assault with a deadly weapon.

By expanding the definition of gang membership, more gang members—who commit state crimes—will be subjected to the higher penalties if they subsequently commit a federal crime.

Current federal law also requires that there must be five members to meet the requirements of being a gang. Prosecutors and law enforcement officials indicate this number is arbitrary and that some dangerous street gangs consist of fewer members. For that reason, this legislation also lowers the number of participants—from five members to three members—required to meet the definition of a gang.

Section 4. Interstate and foreign travel of transportation in aid of criminal street gangs

Doubles penalties for inter-state, gang-related crimes. Also expands Travel Act, passed in 1961 with Mafia-related criminal activity in mind, to respond more effectively to the growing problem of highly sophisticated, mobile and organized street gangs.

The Travel Act now makes it a federal crime to travel in interstate commerce, or use the mail or other facilities of interstate commerce, to commit or help establish, promote, manage, or carry out extortion, bribery, arson, or any business enterprise involving narcotics, controlled substances, prostitution, gambling, or liquor on which the excise taxes were not paid.

While the Travel Act allows prosecutors to target some gang activities—such as drug trafficking—the list is not complete. Law enforcement leaders and prosecutors have indicated that the Act needs to be ''modernized'' to better reflect current crimes by gang members.

Under this legislation, the list of unlawful activities in the Travel Act will be expanded to include crimes that are most committed by gang members. The expanded list will include: drive-by shooting, robbery, burglary, assault with a deadly weapon, intimidation of witnesses, victims, jurors or informants, assault resulting in bodily injury, possession and/or trafficking in stolen property, alien smuggling, firearms trafficking, kidnaping, and insurance fraud.

In addition, under this legislation, the maximum penalties are doubled from 5 to 10 years for those who violate these provisions without intending to commit violent crimes themselves.

A conspiracy provision is also added to this statute to make it easier to prosecute all the gang members who help to commit these crimes.

This Act also doubles the base offense levels for:

Traveling in interstate or foreign commerce in aid of a street gang, from 6 to 12, which increases the base sentencing rage from a low of zero to six months and a high of twelve to eighteen months, to a new low of ten to sixteen months and a new high of thirty to thirty-seven months; and

Committing violent crimes in aid of street gang or racketeering activity from 12 to 24, which increases the base sentencing range from a low of ten to sixteen months and a high of thirty to thirty-seven months, to a new low of 51–63 months and a new high of 100–125 months.

Section 5. Solicitation or recruitment of persons in gang activity

Current federal law contains no penalty for recruiting minors to participate in gang activity. Law enforcement officials indicate that sophisticated crime syndicates will recruit minors to do the ''dirty work'' so that the organizers of the criminal activity cannot be convicted of a crime.

This legislation makes the recruitment or solicitation of persons to participate in gang activity subject to a one-year minimum and 10-year maximum penalty, or a fine of up to $250,000. If a minor is recruited or solicited, the minimum penalty is increased to four years. In addition, the person convicted of this crime would have to pay the costs of housing, maintaining and treating the juvenile until the juvenile reaches the age of 18 years.

Section 6. Crimes involving the use of minors as RICO predicates

To identify a racketeering influenced corrupt organization (RICO), the organization must have engaged in at least two of the more than 25 criminal activities listed under the RICO statute.

This bill makes the use of a minor in the commission of a federal crime a RICO predicate.

Section 7. Transfer of firearms to minors for use in crime

It is now a crime under federal law to knowingly transfer a firearm to be used to commit a violent crime or a drug trafficking crime.

This legislation adds a mandatory minimum penalty of three years imprisonment if the gun to be used in crime is transferred to a minor.

Section 8. Penalties

Increases penalties for transferring handguns to minors.

The Youth Handgun Safety Act, passed by Congress as part of the 1994 Crime Bill, does not contain sufficient penalties. In fact, one provision of the current Youth Handgun Safety Act requires mandatory probation for a first-time juvenile offender who possesses a handgun. Such a weak penalty meant few prosecutors would utilize the Youth Handgun Safety Act to target gang members. In addition, current law sets different penalties for juveniles and adults who transfer a weapon to a minor.

The Federal Gang Violence Act toughens the penalties against juveniles and adult who transfer a handgun to a minor—and subjects juveniles and adults to the same penalties for violating this law.

This legislation changes the Youth Handgun Safety Act by:

(A) Setting a one-year minimum sentence for anyone—adult or juvenile—who provides a minor with a handgun.

(B) Holding juveniles accountable when they unlawfully give another minor a handgun by applying the same five-year maximum sentence now given to adults.

(C) Setting a one-year minimum sentence and applying the same 10-year maximum sentence to adults and juveniles who give a handgun to a minor and should have known the gun would be used in a crime of violence. Currently, the 10-year maximum sentence only applies to adults.

Section 9. The James Guelff Body Armor Act

Many police officers around the country are confronting heavily-armed gang members who are wearing bullet-proof vests. This legislation creates a two-year mandatory, consecutive sentence for anyone who wears body armor in the commission of a federal offense.

Section 10. Serious juvenile drug offense as Armed Career Criminal Act predicates

The Armed Career Criminal Act provides that if a person has three or more prior convictions of certain crimes (is a career criminal), and he possess, ships, transports or receives a gun or ammunition (is armed), he will be subject to a mandatory minimum 15 year penalty and fine of up to $25,000. Serious drug offenses are already in the list of crimes which count toward the three-conviction minimum; this bill would allow juvenile convictions for serious drug offenses to also count toward that three-conviction minimum.

Section 11. Increase in time limits for juvenile proceedings

Expands the time limit for bringing juvenile proceedings to trial.

Presently, a 30-day time limit exists. With crimes being committed by juveniles becoming increasingly violent and complex, prosecutors need additional time to adequately develop cases. This legislation increases the time limit to 70 days.

Section 12. Applying racketeering offenses to firearms offenses

Adds firearms violations, such as trafficking, to the list of crimes that can be attacked by prosecutors under RICO.

Currently, firearms violations are not RICO predicate acts. Prosecutors and law enforcement officials indicate an increasing use of firearms by criminal street gangs to commit home robberies, business invasions, and attacks on rival gangs. Since most of the firearms have moved in interstate commerce—and because firearms are such an integral part of the gang's activity—law enforcement officials have suggested that firearms violations become predicate acts under RICO. Since two criminal activities must be proven before RICO organizations can be identified, firearms violations alone would not lead a group to be pursued under the RICO laws.

This legislation would amend the list of RICO predicate acts to include firearms violations.

Identifying an organization dedicated to criminal activity in accordance with the RICO statute results in asset forfeiture and a maximum of 20 years in prison. In addition, the RICO Statute allows federal prosecutors to charge such an organization with state crimes they may have committed as well as federal crimes.

Section 13. Use of linguists

Promotes the use of State Department linguists to assist in translating and monitoring wiretaps in gang investigations. Federal law enforcement and courts are experiencing difficulty and high costs in locating and employing certified translators for southeastern Asian languages and Chinese dialects used by some gangs.

Section 14. Additional prosecutors

The Federal Gang Violence Act authorize appropriations of $100 million over the next five years for hiring additional federal prosecutors to prosecute violent youth gangs.

Mrs. FEINSTEIN. Mr. President, I rise today, along with Senators, HATCH, KERRY, HARKIN, REID, and D'AMATO to introduce the Federal Gang Violence Act of 1996—legislation that makes the Federal Government a more active partner in the war against violent and deadly organized gangs.

Mr. President, today's gangs are not the bands of loosely organized street kids glamorized in West Side Story. Today's gangs are very different. Consider this:

Just last week, the U.S. attorney's office in San Francisco made arrests in a major alien smuggling operation run by organized gangs based in New York and San Francisco. Operation Sea Dragon netted 23 people in connection with a large-scale plan to smuggle two boatloads of more than 270 aliens from China into the United States in 1993.

According to the U.S. attorney's office, a number of powerful New York-based gangs, including the White Tigers, Fuk Ching, and the Broom Street Boys joined forces with two bay area gangs to off load the smuggled aliens. A San Francisco-based Vietnamese gang was responsible for furnishing the

fishing boats to ferry the smuggled aliens ashore, where a Chinese gang out of Oakland had provided land transportation and drop houses to facilitate the aliens travel to New York. Presumably, once in New York, these illegal aliens were to live in indentured servitude while they paid off the up to $30,000 in crossing debts that the gangs typically charge each passenger.

Alien smuggling is a very lucrative international business—law enforcement estimates it brings in $3 billion a year for smugglers.

But alien smuggling is just one example of the kinds of dangerous criminal activities modern gangs are engaged in. Today's gangs are organized and sophisticated traveling crime syndicates—much like the Mafia—that regularly cross State lines to recruit new members, traffick in drugs, weapons, and illegal aliens, and steal and murder.

In just one city, Los Angeles, nearly 7,300 of its citizens were murdered in the last 16 years from gang warfare. This is more people than have been killed in all the terrorist fighting in northern Ireland.

Gangs were responsible for: 43 percent of all homicides in Los Angeles in 1994; 41 percent of homicides in Omaha, Nebraska in 1995; and more than half of all violent crimes in Buffalo, NY, in 1994.

In Phoenix, AZ, gang-related homicides jumped 800 percent between 1990 and 1994; and

In Wichita, KS, drive-by shootings jumped from 8 in 1991 to 267 in 1993—a 3000-percent increase in just 2 years. This in a small city of 300,000.

These are just a few examples of the alarming rise in gang violence gripping our streets. We are becoming numb to the violence.

In Los Angeles in February, City Councilwoman Laura Chick, chair of the LA Public Safety Committee, received a faxed report that six people had been murdered over the weekend in LA—and it was not even reported in the press.

Criminal gangs are now engaged in million dollar heists, home and business invasions, major narcotics and weapons trafficking, and yes, illegal alien smuggling.

And they are crossing State lines to establish criminal operations in other States looking for untapped markets.

Sgt. Jerry Flowers with the gang crime unit in Oklahoma City captured the migration instinct of these gangs when he said: ''the gang leaders realized that the same ounce of crack cocaine they sold for $300 in Los Angeles was worth nearly $2,000 in Oklahoma City''.

BLOODS AND CRIPS

The Bloods and the Crips, gangs that originated in Los Angeles in the late 1960's, are the Nation's two largest street gangs. And they are expanding.

Local police and the FBI have traced factions of these gangs to more than 119 cities in the West and Midwest with more than 60,000 members. According to the FBI, narcotics trafficking is their principle source of income.

GANGSTER DISCIPLES

The Gangster Disciples, according to local authorities, is a Chicago-based 30,000 member multimillion dollar gang operation spanning 35 States.

They traffic in narcotics and weapons, and are said to operate much like a ''Fortune 500 Company'' with two boards of directors—one in prison and one outside—a layer of Governors and regents, a tax collector and some 6,000 salespersons. Their income is estimated at $300,000 daily.

RUSSIAN CRIME GANGS

Russian organized crime activity in the United States has been expanding for the past 20 years, but its most significant growth has occurred during the past 5 years. Twenty-nine States now report activities by Russian crime groups.

FBI Director Louis Freeh stated that more than 200 of Russia's 6,000 crime gangs operate with American counterparts in the United States.

Russian gangs tend to be more loosely organized than other gangs, but they have formed networks that operate and shift alliances to meet particular needs.

The California Attorney General indicates that the most common criminal activities by Russian organized crime gangs are fraud schemes involving fuel tax, insurance, and credit card fraud. But they also engage in more common organized crime activities-extortion, loan sharking, drug trafficking, auto theft, and prostitution.

ASIAN GANGS

The Department of Justice indicates that, among ethnic gangs, Jamaican and Asian gangs are considered by many law enforcement officials to pose the largest threat. Asian gangs have been identified as major threats in more than 17 cities.

In Los Angeles alone there are more than 100 Asian gangs with 10,000 members.

Illegal activities include: alien smuggling, murder, kidnapping, extortion, home invasion robberies, high-technology heists, and firearms trafficking.

Vietnamese gangs, in particular, have become a serious threat in many cities. They tend to be very violent, are more sophisticated organizationally, and have specialized in stealing multimillion dollar quantities of computer chips.

At least 400 Silicon Valley businesses that deal in computer chips have been hit in the last year and a half, losing tens of millions of dollars. Computer firms lose as much as $1 million a week in thefts.

CURRENT LAWS NOT ENOUGH

Mr. President, Federal laws now on the books were designed to fight one type of organized crime—the Mafia. And I believe today's laws just are not enough to take on these modern gangs.

For the past 7 months, my staff has met with prosecutors, law enforcement officers, and community leaders to search for solutions to the problem of gang violence. The legislation I am introducing today, The Federal Gang Violence Act of 1996, is the result of our work.

This legislation strengthens Federal law by attacking gang violence on three fronts:

It doubles the sentence for any member of an organized criminal gang who commits a Federal crime;

Expands the scope of gang-related criminal acts to include such activities as carjacking and drive-by shootings, and significantly increases penalties for those crimes; and

Checks the growth of gangs by making the recruitment of minors into criminal gangs a Federal offense with stiff penalties.

Specifically, this legislation:

First, doubles the actual sentence for any member of an organized criminal street gang who commits a Federal crime.

Current Federal law increases the penalties for organizers, leaders, managers, and supervisors of criminal activity—including gang leaders—who commit a federal crime. However, members of known criminal street gangs currently are not subjected to higher penalties when a Federal crime is committed.

Many prosecutors and law enforcement leaders indicate that gang members—in addition to the leaders and supervisors of gangs—should see their penalties increased to provide a stronger deterrent for children to stay away from gangs.

This legislation amends the sentencing guidelines so that individual gang members convicted of felonies would have their sentencing level approximately doubled. For example: Now if a first-time offender who is a member of a gang is convicted of gun trafficking, he would get a minimum of 4¾–6 years in jail. Under this legislation, the sentence would be increased to 9–11¼ years.

Second, expands the definition of criminal street gangs in Federal law to better reflect modern-day gang activity.

The bill broadens the definition of criminal street gang activity in title 18 of the Criminal Code to include many types of State crimes, such as drive-by shootings, rape, torture, carjacking, kidnaping, and assault with a deadly weapon.

This legislation also lowers the number of participants—from five members to three members—required to meet the definition of a gang.

Third, doubles penalties for interstate, gang-related crimes and expands the Travel Act to respond more effectively to the growing problem of highly sophisticated, mobile, and organized street gangs.

The Travel Act was originally written in 1961 with Mafia-style activity in mind. While the Travel Act as it is now written allows prosecutors to target

some gang activities—such as drug trafficking—the list is not complete. Law enforcement leaders and prosecutors have indicated that the act needs to be modernized to better reflect current crimes by gang members.

Under this legislation, the list of unlawful activities in the Travel Act will be expanded to include the following crimes: Drive-by shooting; robbery; burglary; assault with a deadly weapon; intimidation of witnesses, victims, jurors, or informants; assault resulting in bodily injury; possession and/or trafficking of stolen property; alien smuggling; firearms trafficking; kidnaping; and insurance fraud.

In addition, under this legislation, the maximum penalties are doubled from 5 to 10 years for those who violate these provisions without intending to commit violent crimes themselves.

A conspiracy provision is also added to this statute to make it easier to prosecute all the gang members who help to commit these crimes.

This act also doubles the base offense levels under the sentencing guidelines for: Traveling in interstate or foreign commerce in aid of a street gang, from 6 to 12, which increases the base sentencing range from a low of zero to 6 months and a high of 12 to 18 months, to a new low of 10 to 16 months and a new high of 30 to 37 months; and committing violent crimes in aid of street gang or racketeering activity from 12 to 24, which increases the base sentencing range from a low of 10 to 16 months and a high of 30 to 37 months, to a new low of 51 to 63 months and a new high of 100 to 125 months.

Fourth, solicitation or recruitment of persons into gang activity: Current Federal law contains no penalty for recruiting minors to participate in gang activity. Law enforcement officials indicate that sophisticated organized crime syndicates will recruit minors to do the dirty work so that the organizers of the criminal activity cannot be convicted of a crime.

This legislation makes the recruitment or solicitation of persons to participate in gang activity subject to a 1-year minimum and 10-year maximum penalty, or a fine of up to $250,000. If a minor is recruited or solicited, the minimum penalty is increased to 4 years. In addition, the person convicted of this crime would have to pay the costs of housing, maintaining and treating the juvenile until the juvenile reaches the age of 18 years.

Fifth, this bill makes the use of a minor in the commission of a Federal crime a RICO predicate.

Identifying an organization dedicated to criminal activity in accordance with the RICO Statute results in asset forfeiture and a maximum of 20 years in prison.

Sixth, transfer of firearms to minors for use in crime.

It is now a crime under Federal law to knowingly transfer a firearm to be used to commit a violent crime or a drug trafficking crime.

This legislation adds a mandatory minimum penalty of 3 years imprisonment if the gun to be used in crime is transferred to a minor.

Seventh, this legislation increases penalties for transferring handguns to minors.

The Youth Handgun Safety Act, passed by Congress as part of the 1994 crime bill, does not contain sufficient penalties against juveniles who possess handguns.

In fact, one provision of the current Youth Handgun Safety Act requires only mandatory probation for a first-time juvenile offender who possesses a handgun. Such a weak penalty has meant few prosecutors would utilize the Youth Handgun Safety Act to target gang members. In addition, current law sets different penalties for juveniles and adults who transfer a weapon to a minor.

The Federal Gang Violence Act toughens the penalties against juveniles and adults who transfer a firearm to a minor—and subjects juveniles and adults to the same penalties for violating this law.

This legislation changes the Youth Handgun Safety Act by:

Setting a 1-year minimum sentence for anyone—adult or juvenile—who provides a minor with a handgun.

Holding juveniles accountable when they unlawfully give another minor a firearm by applying the same 5-year maximum sentence now given to adults.

Setting a 1-year minimum sentence and applying the same 10-year maximum sentence to adults and juveniles who give a firearm to a minor and should have known the gun would be used in a crime of violence. Currently, the 10-year maximum sentence only applies to adults.

Juveniles under 13 years old, however, would not be subject to these mandatory minimum sentences.

Eighth, the James Guelff Body Armor Act: Many police officers around the country are confronting heavily armed gang members who are wearing bullet-proof vests. This legislation makes it a separate crime to wear body armor in the commission of a Federal offense, which would be punished by automatically adding 2 years to the sentence for the original crime.

Ninth, serious juvenile drug offenses as Armed Career Criminal Act predicates:

The Armed Career Criminal Act provides that if a person has three or more prior convictions for certain crimes—is a career criminal—and he possesses, ships, transports, or receives a gun or ammunition, is armed, he will be subject to a mandatory minimum 15-year penalty and fine of up to $25,000.

Serious drug offenses are already in the list of crimes which count toward the three-conviction minimum; this bill would allow juvenile convictions for serious drug offenses to also count toward that three-conviction minimum. This would not apply to nickel-and-dime possession offenses, but to drug dealing which is punishable by ten or more years in prison.

Tenth, expands the time limit for bringing juvenile proceedings to trial.

Presently, a 30-day time limit exists. With crimes being committed by juveniles becoming increasingly violent and complex, prosecutors need additional time to adequately develop cases. This legislation increases the time limit to 70 days.

Eleventh, adds firearms violations, such as trafficking, to the list of crimes that can be attacked by prosecutors under RICO.

Currently, firearms violations are not RICO predicate acts. Prosecutors and law enforcement officials indicate an increasing use of firearms by criminal street gangs to commit home robberies, business invasions, and attacks on rival gangs.

Since most of the firearms have moved in interstate commerce—and because firearms are such an integral part of the gang's activity—law enforcement officials have suggested that firearms violations become predicate acts under RICO.

Twelfth, this legislation promotes the use of State Department linguists to assist in translating and monitoring wiretaps in gang investigations. Federal law enforcement and courts report that they are experiencing difficulty and high costs in locating and employing certified translators for Southeastern Asian languages and Chinese dialects used by some gangs.

Thirteenth, this legislation provides $100 million over the next 5 years for hiring additional Federal prosecutors to prosecute violent youth gangs.

Mr. President, the legislation I have laid out for you today is a starting point, and I think it is long overdue. I know there is no silver bullet to cure our Nation of the ills wrought by street gangs. But this legislation takes an important step forward by adding the Federal Government's weight to what has thus far been largely State and local war on gangs by significantly strengthening the Federal laws that deal with gang crime.

It is my belief that the only real long-term solution lies in combining forces at the Federal, State, and local level.

And I am pleased to say that thus far, this legislation has received nearly 80 endorsements from local California law enforcement, including Los Angeles County District Attorney Gil Garcetti, Los Angeles County Sheriff Sherman Block, and Police Chiefs in Fresno, Oakland, and Sacramento.

I urge my colleagues to support this legislation, and I welcome their input as this bill moves forward.

Mr. KERRY. Mr. President, today I rise to support the Federal Gang Violence Act which we are introducing to combat the growing problem of gang violence. According to the FBI, juvenile gang killings rose by 371 percent from 1980 to 1992, the fastest growing of

all the homicide categories. But, Mr. President, this problem is not just a series of statistics.

Less than a year ago in Massachusetts, a young prosecutor, Assistant Attorney General Paul McLaughlin, was gunned down by a hooded youth in a display of gang violence and brutality unprecedented in my State. It was a brutal assassination of a public servant doing his job—the kind of violence we see in other nations, but thankfully, only rarely in America.

Earlier this year, I met with law enforcement officials, local elected officials, and Justice Department officials in western Massachusetts where gang activity has grown dramatically. The officials told me that in the Route 91 corridor, gangs operate from Connecticut through Massachusetts and up into Vermont. In fact, last year a major incident involving gangs from western Massachusetts occurred in Rutland, VT.

Because of this and similar meetings with law enforcement officials across Massachusetts, I went to Senators FEINSTEIN and HATCH to offer my assistance in developing this antigang legislation. Although officials in western Massachusetts told me that the area is already benefiting from the COPS Program, we must do more. I am proud of the role I played in getting the COPS Program expanded in the crime bill, so that we will put 100,000 police officers on the beat to fight crime. The COPS Program is beneficial but not a sufficient Federal response to youth gangs.

Nationally, juvenile arrests for violent crime increased by 75 percent during the past decade. According to a Department of Justice survey of law enforcement officials in 35 cities with organized antigang programs, there are almost 1,500 gangs and over 120,000 gang members across the country.

The legislation we are introducing today would crack down on violent gangs by toughening Federal penalties against criminal street gangs and organized crime syndicates. Gang members who commit Federal crimes or recruit other youths—and especially gangs who cross State lines to commit crimes—would receive stricter penalties.

Of course, the overwhelming majority of America's 27 million youths between the ages of 10 and 17 never commit violent crimes or enter the juvenile or criminal justice systems. Overall, children remain far more likely to be the victims of violent crime than offenders. According to the most recent data from the Department of Justice, one in nine children ages 12 to 19 was a victim of violent crime in 1993, while fewer than one in 200 youths was arrested for a violent offense.

But ultimately, Mr. President, the solution to youth violence must address the fact that too many young people live in poverty, which puts children at particular risk for violent behavior by reducing the quality of their community supports such as housing and schools, limiting their opportunities for education and employment, and dimming their sense of hope about the future. We can pass tougher and tougher laws but without at least an ounce of prevention we will not solve the problem.

We also must deal with the fact that handguns are too accessible. Handguns pose an ever-increasing danger to the safety and welfare of the American public. Nearly one-third of children ages 10 to 17 surveyed in 1993 said they knew how to get a gun. The source is often their own home. School security and law enforcement officials estimate that 80 percent of the firearms that students bring to school come from home. And according to the most recent figures, over 25 Americans are killed each day by handguns. If it's true that ''people kill people,'' it's also true that they most frequently do so with handguns.

But we must also learn more about gang violence. Despite continuing research on the nature and extent of gang problems, data on youth gangs remain spotty. The Department of Justice's Office of Juvenile Justice and Delinquency Prevention [OJJDP] recently reported that ''because research has been limited and because researchers have no real consensus on the definition of a gang or gang incident, the scope and seriousness of the youth gang problem are not reliably known.'' Better information is clearly needed.

I look forward to working with Senators FEINSTEIN and HATCH to making further refinements to the bill to ensure the delicate balance between bringing criminals to justice and protecting civil liberties. In particular, I'm interested in examining the provision which requires serious drug offenses committed as a juvenile to count toward the provision which imposes a mandatory minimum 15 year sentence for juveniles or adults who have a record of three serious drug offense convictions and commit a gun offense. We must be careful not to eliminate the juvenile justice system as the ''second chance'' it is intended to provide.

Finally, I want to recognize the leadership of Senator FEINSTEIN and Senator HATCH for their efforts to combat gang violence through this legislation. I also want to express my admiration for the Senator from California for her leadership on the assault weapons ban, both in her courageous efforts to pass it through Congress and her tenacity in stopping efforts to repeal it.

Too many children in the United States go to sleep to the sounds of gunfire and accept as normal the violent deaths of siblings, friends, and schoolmates. Working together, we can combat gang violence, poverty, and handguns to ensure we no longer have to live under the constant threat of violence.

Mr. D'AMATO. Mr. President, I am pleased to join my colleagues in introducing the Federal Gang Violence Act. The provisions of this bill are greatly needed in order to reduce the growing threat of gang violence.

The Department of Justice released a report last month stating that 79 of our largest cities have over 3,800 youth gangs, with a total of 200,000 gang members. The gangs are taking over our cities and towns. With an increase in the presence of gangs comes an increase in their criminal activities.

The Justice Department reports that while gang presence seems to be increasing, these gangs are also establishing an organizational sophistication that they did not possess before. With an expected surge in juvenile violent crimes, loopholes in the law must be corrected. And now.

Let me clarify one thing first. Gangs are not an urban problem; gangs are located in every geographical location—cities, suburbs, and rural areas. There is not one common gang activity; each gang performs different illegal activities. Gang activities are not restricted to certain areas of cities; the gangs' reach extends to our schools. It is clear that the response must be as varied as the problem. This bill takes the diversity into account and responds to those different activities by taking the most effective action—increasing the sentences. The penalty is doubled for any interstate gang-related crimes. Doubles the penalty for gang members that extort, bribe, deal in drugs, intimidate a witness or participate in a drive-by shooting. Any violent crime committed as part of gang activity gets an increased sentencing offense level.

Stiffer punishment is essential if we are to combat gang violence. A Department of Justice report states that 68 percent of male inmates in juvenile correctional facilities admit that their gang had regularly bought and sold guns and over 60 percent described driving around shooting at people regularly.

Because recruitment is so important to perpetuate the criminal gang activities, whether the person recruited is a minor or an adult, a new offense must be created. And this bill will do just that. It is imperative to stop the recruitment. Gangs can only continue to wreak havoc if they have the members to carry out their misdeeds.

A provision of the Federal Gang Violence Act treats alien smuggling as a predicate act under the RICO—racketeering. It will also make alien smuggling a money laundering crime. This is especially timely after the indictment last February of 64 violent organized crime gang members of the Flying Dragons in Chinatown. These smugglers brought in hundreds of illegal Chinese immigrants and then proceeded to kidnap, torture, and extort money. These provisions could only add to their sentences if convicted. These people should be in prison for decades for the acts alleged.

These provisions are a commonsense approach. For instance, any criminal

who wears body armor during the commission of a felony certainly deserves to get an additional 2 years mandatory minimum. The intent is clear; the gang member committing a felony wearing body armor knows the dangers involved.

The potential gang members have much to fear themselves. A special report completed by the National Gang Crime Research Center found that two-thirds of gang members have had friends or family members killed because of the gang violence. These victims may never have chosen the route of gang violence but were swept in by the activities of the gang members.

The violence committed by gangs affects our entire country. The wreak havoc on business owners, individuals, family members, and themselves. It is time to do something about it. I thank my colleagues for working to enhance the penalties of the crimes committed by gang members and am pleased to be an original cosponsor of this legislation. I urge my colleagues to cosponsor this bill.

By Mr. PELL:

S. 1701. A bill to end the use of steel jaw leghold traps on animals and for other purposes; to the Committee on Environment and Public Works.

STEEL JAW TRAP LEGISLATION

Mr. PELL. Mr. President, I rise today to introduce legislation to prohibit the use of steel jaw leghold traps in the United States.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping. Anything—wild animals, family pets, children—that comes in contact with a leghold trap is subjected to its bone-crushing force. Other, more discriminating trapping methods exist and should be used.

I think it is also instructive to note that well over 60 nations around the globe including all the nations of the European Community have already outlawed the use of this device and have also prohibited the sale of fur caught by leghold traps.

I should make it clear to my colleagues that I oppose the cruel treatment of any animal and support efforts to curb the unnecessary use of animals for purposes such as medical testing, especially when alternative testing procedures are available or when the tests are conducted for nonvital reasons and result in inhumane animal treatment. I do, however, support the humane use of animals which may provide crucial information for life-saving technologies when no other alternative testing mechanism exists.

ADDITIONAL COSPONSORS

S. 301

At the request of Mr. KYL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 301, a bill to provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border patrol and customs service personnel from foreign countries.

S. 358

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 553

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 553, a bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1183, a bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the act, and for other purposes.

S. 1483

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1512

At the request of Mr. LUGAR, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1512, a bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes.

S. 1521

At the request of Mr. DOLE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1521, a bill to establish the Nicodemus National Historic Site in Kansas, and for other purposes.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor 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.

S. 1610

At the request of Mr. BOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1623

At the request of Mr. WARNER, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1669

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1669, a bill to name the Department of Veterans Affairs medical center in Jackson, MS, as the ''G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center''.

S. 1675

At the request of Mr. GRAMM, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. CAMPBELL], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1690

At the request of Mr. CONRAD, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1690, a bill to provide a grace period for the prohibition on Consolidated Farm Service Agency lending to delinquent borrowers, and for other purposes.

SENATE JOINT RESOLUTION 51

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 51, a joint resolution saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUYE, the name of the Senator from Connecticut [Mr. DODD] 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 85

At the request of Mr. WYDEN, his name was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 243

At the request of Mr. ROBB, the names of the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as ''National Correctional Officers and Employees Week.''

AMENDMENT NO. 3667

At the request of Mr. DORGAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Amendment No. 3667 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

SENATE CONCURRENT RESOLUTION 54—TO CORRECT THE ENROLLMENT OF THE BILL S. 735

Mr. HATCH submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections:

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443, respectively.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 326 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

(3) insert ''section'' before ''6(j)''.

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert ''foreign'' before ''terrorist organization'';

(2) in subsection (a)(2)(A)(i), strike ''an'' before ''organization under'' and insert ''a foreign'';

(3) in subsection (a)(2)(C), insert ''foreign'' before ''organization''; and

(4) in subsection (a)(4)(B), insert ''foreign'' before ''terrorist organization''.

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of State''; and

(3) add the words ''the government of'' after ''engaged in a financial transaction with'';

At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

In section 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill, strike ''security''.

Strike section 431 of the bill and redesignate sections 432 through 444 as sections 431 through 443, respectively.

In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

In section 443, by striking subsection (d) in its entirety and inserting:

''(d) EFFECTIVE DATE.—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulation that shall be published on or before January 1, 1997.''

SENATE CONCURRENT RESOLUTION 55—TO CORRECT THE ENROLLMENT OF THE BILL S. 735

Mr. HATCH submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 735) shall make the following corrections.

In the table of contents of the bill, strike the item relating to section 431 and redesignate the items relating to sections 432 through 444 as relating to sections 431 through 443, respectively.

Strike section 1605(g) of title 28, United States Code, proposed to be added by section 221 of the bill, and insert the following:

''(g) LIMITATION ON DISCOVERY.—

''(1) IN GENERAL.—(A) Subject to paragraph (2), if an action is filed that would otherwise be barred by section 1604, but for subsection (a)(7), the court upon request of the Attorney General, shall stay any request, demand, or order for discovery on the United States that the Attorney General certifies would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action, until such time as the Attorney General advises the court that such request, demand, or order will no longer so interfere.

''(B) A stay under this paragraph shall be in effect during the 12-month period beginning on the date on which the court issues the order to stay discovery. The court shall renew the order to stay discovery for additional 12-month periods upon motion by the United States if the Attorney General certifies that discovery would significantly interfere with a criminal investigation or prosecution, or a national security operation, related to the incident that gave rise to the cause of action.

''(2) SUNSET.—(A) Subject to subparagraph (B), no stay shall be granted or continued in effect under paragraph (1) after the date that is 10 years after the date on which the incident that gave rise to the cause of action occurred.

''(B) After the period referred to in subparagraph (A), the court, upon request of the Attorney General, may stay any request, demand, or order for discovery on the United States that the court finds a substantial likelihood would—

''(i) create a serious threat of death or serious bodily injury to any person;

''(ii) adversely affect the ability of the United States to work in cooperation with foreign and international law enforcement agencies in investigating violations of United States law; or

''(iii) obstruct the criminal case related to the incident that gave rise to the cause of action or undermine the potential for a conviction in such case.

''(3) EVALUATION OF EVIDENCE.—The court's evaluation of any request for a stay under this subsection filed by the Attorney General shall be conducted ex parte and in camera.

''(4) BAR ON MOTIONS TO DISMISS.—A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) of 56 of the Federal Rules of Civil Procedure.

''(5) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States.''.

In section 620G(a), proposed to be inserted after section 620F of the Foreign Assistance Act of 1961, by section 325 of the bill, strike ''may'' and insert ''shall''.

In section 620H(a), proposed to be inserted after section 620G of the Foreign Assistance Act of 1961, by section 326 of the bill—

(1) strike ''may'' and insert ''shall'';

(2) strike ''shall be provided''; and

(3) insert ''section'' before ''6(j)''.

In section 219, proposed to be inserted in title II of the Immigration and Nationality Act, by section 302 of the bill—

(1) in subsection (a)(1), insert ''foreign'' before ''terrorist organization'';

(2) in subsection (a)(2)(A)(i), strike ''an'' before ''organization under'' and insert ''a foreign'';

(3) in subsection (a)(2)(C), insert ''foreign'' before ''organization''; and

(4) in subsection (a)(4)(B), insert ''foreign'' before ''terrorist organization''.

In section 2339B(g), proposed to be added at the end of chapter 113B of title 18, United States Code, by section 303 of the bill, strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

In section 2332d(a), proposed to be added to chapter 113B of title 18, United States Code, by section 321(a) of the bill—

(1) strike ''by the Secretary of State'' and insert ''by the Secretary of the Treasury'';

(2) strike ''with the Secretary of the Treasury'' and insert ''with the Secretary of State'';

(3) add the words ''the government of'' after ''engages in a financial transaction with''.

At the end of section 321 of the bill, add the following:

''(c) EFFECTIVE DATE.—The amendments made by this section shall become effective 120 days after the date of enactment of this Act.''.

In section 414(b) and 422(c) of the bill, strike ''90'' and insert ''180''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill strike ''essential'' and insert ''important''.

In section 40A(b), proposed to be added to chapter 3 of the Arms Export Control Act, by section 330 of the bill, strike ''security''.

Strike section 431 of the bill and redesignate sections 432 through 444 as sections 431 through 443, respectively.

In section 511(c) of the bill, strike ''amended—'' and all that follows through ''(2)'' and insert ''amended''.

In section 801 of the bill, strike ''subject to the concurrence of'' and insert ''in consultation with''.

In section 443, by striking subsection (d) in its entirety and inserting:

''(d) EFFECTIVE DATE.—The amendments made by this section shall become effective no later than 60 days after the publication by the Attorney General of implementing regulations that shall be published on or before January 1, 1997.''

SENATE CONCURRENT RESOLUTION 56—RECOGNIZING THE 10TH ANNIVERSARY OF THE CHORNOBYL NUCLEAR DISASTER

Mr. LAUTENBERG (for himself, Mr. DOLE, Mr. HELMS, Mr. PELL, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 56

Whereas April 26, 1996, marks the tenth anniversary of the Chornobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International Day Commemorating the Tenth Anniversary of the Chornobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chornobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chornobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chornobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G–7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chornobyl nuclear power plant by the year 2000 with adequate support from the G–7 countries and international financial institutions;

Whereas the United States strongly supports the closing of the Chornobyl nuclear power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G–7 countries, and international financial institutions will meet at least annually to monitor implementation of the program to close Chornobyl: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes April 26, 1996, as the tenth anniversary of the Chornobyl nuclear power plant disaster;

(2) urges the Government of Ukraine to continue its negotiations with the G–7 countries to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chornobyl to be shut down in a safe and expeditious manner; and

(3) calls upon the President—

(A) to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia, and other nations most heavily afflicted by Chornobyl aftermath;

(B) to encourage national and international health organizations to expand the scope of research into the public health consequences of Chornobyl, so that the global community can benefit from the findings of such research;

(C) to support the process of closing the Chornobyl nuclear power plant in an expeditious manner as envisioned by the December 20, 1995, memorandum of understanding; and

(D) to support the broadening of Ukraine's regional energy sources which will reduce its dependence on any individual country.

Mr. LAUTENBERG. Mr. President, I rise to submit a resolution to commemorate the 10th anniversary of one of the most tragic, devastating events in the history of nuclear power—the Chernobyl nuclear disaster. The resolution also expresses Congress' unequivocal support for the closing of the Chernobyl nuclear power plant. I am pleased that Senators DOLE, HELMS, PELL, and LEVIN are joining me in submitting this resolution.

Friday, April 26, 1996, marks the 10th anniversary of the world's worst nuclear accident. Ten years ago, nuclear reactor No. 4 at Ukraine's Chernobyl nuclear power plant malfunctioned. The ensuing explosion and fire spewed a cloud of radiation across Europe, releasing 200 times more radioactivity than the atomic bombings of Hiroshima and Nagasaki combined.

The results were devastating. Millions of people were exposed to dangerously high levels of radiation.

Chernobyl's legacy is much more than the worst technological disaster in the history of nuclear power. It is a continuing humanitarian tragedy that will always be remembered the world over. The inhabitants of Ukraine, Belarus, and Russia continue to be heavily burdened by the social, economic, and health effects of the accident, and the entire international community continues to be threatened by the specter of another Chernobyl.

Ten years ago, millions of Ukrainians, Belarussians, and Russians, including over one million children and thousands of people who cleaned up after the explosion, were exposed to dangerously high levels of radiation. A 30-kilometer radius around Chernobyl was rendered uninhabitable. Families were forced from their homes. Most have never returned.

The tragic effects of this disaster have devastated millions. A 200-fold increase in thyroid cancer among children has ensued. Immune deficiency disorders, respiratory problems, and birth defects have increased at alarming rates since the disaster. The region's soil and water supplies have remained contaminated. Ukraine's economy has been overwhelmed by the costs of rebuilding.

Mr. President, the people of Chernobyl and Ukraine have not been alone in their efforts to overcome the tremendous loss. Numerous charitable and humanitarian organizations have assiduously worked to ameliorate the consequences of the Chernobyl disaster. Americans for Human Rights in Ukraine and the Children of Chernobyl Relief Fund, from my State of New Jersey, have lent considerable support to that effort along with many others in the Ukrainian-American community. These and millions of other Americans in New Jersey and elsewhere continue to provide valuable assistance to the victims of the Chernobyl disaster. All private organizations who have been at the forefront to help Ukraine deserve commendation for their tireless efforts to assist Cherbobyl's victims.

Unfortunately, more work needs to be done. Cherbobyl's two working reactors continue to churn out electricity. The protective concrete covering over the obliterated reactor No. 4, the sarcophagus, has developed cracks which dangerously weaken its structure. Corrosion of this structure threatens to release even more radioactivity into the region. Experts warn that another accident is imminent.

Just yesterday, a fire started within 10 kilometers of Cherbobyl. While initial assessments by specialists conclude that the abundant smoke produced by the fire may not pose further contamination dangers, all bets are off in the future. The region's inhabitants cannot be assured that radioactive particles which settled in the areas surrounding Cherbobyl after the accident will not be carried into their villages or water supplies. They cannot be assured that future fires or even floods will not release dangerous levels of contamination.

This event underscores the ongoing threat Cherbobyl poses to safety and the urgent need to close Cherbobyl forever.

On December 20, 1995, the Ukrainian Government, the governments of the G–7 countries, and the Commission of the European Communities signed a memorandum of understanding supporting Ukraine's decision to close Cherbobyl by the year 2000 and the international community has pledged financial support to facilitate the closure. Last week, President Clinton met in Moscow with Ukrainian President Leonid Kuchma and leaders of other G–7 nations, and Ukraine reaffirmed its commitment to close Cherbobyl.

Support from the international community is vital to help Ukraine move forward and close Cherbobyl. Ukraine is working hard to implement open economic and social reforms, and its economy is strapped. At this very delicate time in Ukraine's history, the United States should support Ukraine's efforts to rebuild its infrastructure and to secure the alternative energy sources it needs to close Cherbobyl in a safe and expeditious manner.

Mr. President, the devastating health effects, social distress, and economic hardship remains in the hearts and minds of the people of Ukraine who lived through the Cherbobyl explosion. They cannot forget the radioactive blanket of despair that covered their homes and forced them from their villages. They cannot forget that their livelihoods have been destroyed. For their sake and for the sake of future generations, we should commemorate this event on April 26, 1996, and redouble our efforts to ensure that the devastation of 10 years ago will not be repeated.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 250—EXPRESSING THE SENSE OF THE SENATE REGARDING TACTILE CURRENCY FOR THE BLIND AND VISUALLY IMPAIRED PERSONS

Mr. BROWN (for himself, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 250

Whereas currency is used by virtually everyone in everyday life, including blind and visually impaired person;

Whereas the Federal reserve notes of the United States are inaccessible to individuals with visual disabilities;

Whereas the Americans with Disabilities Act enhances the economic independence and equal opportunity for full participation in society for individuals with disabilities;

Whereas most blind and visually impaired persons are therefore required to rely upon others to determine denominations of such currency;

Whereas this constitutes a serious impediment to independence in everyday living;

Whereas electronic means of bill identification will always be more fallible than purely tactile means;

Whereas tactile currency already exists in 23 countries world wide; and

Whereas the currency of the United States is presently undergoing significant changes for security purposes: Now, therefore, be it

Resolved, that the Senate—

(1) endorse the efforts recently begun by the Bureau of Engraving and Printing to upgrade the currency for security reasons; and

(2) strongly encourages the Secretary of the Treasury and the Bureau of Engraving and Printing to incorporate cost-effective, tactile features into the design changes, thereby including the blind and visually impaired community in independent currency usage.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

SIMPSON AMENDMENT NO. 3722

Mr. SIMPSON proposed an amendment to amendment No. 3669 proposed by him to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

Strike all after the first word and insert:

214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following:': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.', and

''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

SIMPSON AMENDMENT NO. 3723

Mr. SIMPSON proposed an amendment to amendment No. 3670 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the first word and insert:

PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.TThe Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''SEC. 281.''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States Government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States Government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 110(a)(15)).

This section shall become effective 1 day after the date of enactment.

SIMPSON AMENDMENT NO. 3724

Mr. SIMPSON proposed an amendment to amendment No. 3671 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the first word and insert:

115A. FALSE CLAIMS OF U.S. CITIZENSHIP.

''(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9)(8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

'(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.'; and

''(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a)(8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

SIMPSON AMENDMENT NO. 3725

Mr. SIMPSON proposed an amendment to the motion to recommit proposed by him to the bill S. 1664, supra; as follows:

Add at the end of the instructions the following: ''that the following amendment be reported back forthwith.

(1) After sec. 213 of the bill, add the following new section:

''SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following: ': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if(I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.'; and

''(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if(I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

SIMPSON AMENDMENT NO. 3726

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

At the end of the amendment to this instructions to the motion to recommit, insert the following new section:

SEC. PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). the Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney general and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIAPTION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) the Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting ''(a)'' after ''SEC. 281.''; and

(B) by adding at the end the following:

''(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those ''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those''J'' visa holders whose presence in the United States is sponsored by the United States government.''

''(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

''(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the department of State, respectively.''

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase ''approved colleges and universities'' means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SIMPSON AMENDMENT NO. 3727

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

Strike the last word in the pending amendment and insert: ''Act (8 U.S.C. 110(a)(15)).

''SEC. . FALSE CLAIMS OF U.S. CITIZENSHIP.

''(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

'(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.'; and

''(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.'.''.

SIMPSON AMENDMENT NO. 3728

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the last word in the amendment and insert: ''deportable.

''SEC. . VOTING BY ALIENS.

''(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18. United States Code, is amended by adding the following new section:

'§611. Voting by aliens

'(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

'(1) the election is held partly for some other purpose;

'(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

'(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.'

'(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both.';

''(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.'; and

''(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.'.''.

SIMPSON AMENDMENT NO. 3729

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the last word and insert the following ''deportable.

''USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

''(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F)(8 U.S.C. 1101(a)(15)(F)) is amended—

''(1) in clause (i) by striking 'academic high school, elementary school, or other academic institution or in a language training program' and inserting in lieu thereof 'public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program'; and

''(2) by inserting before the semicolon at the end of clause (ii) the following: ': *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.';

''(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

'(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is excludable.', and

''(c) DEPORTTION OF STUDENT VISA ABUSERS.—Section 241(a)(8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

'(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable.'.''.

This section shall become effective 1 day after the date of enactment.

SIMPSON AMENDMENT NO. 3730

Mr. SIMPSON proposed an amendment to amendment No. 3725 proposed by him to the bill S. 1664, supra; as follows:

Strike all after the last word in the amendment and insert: ''enactment.

''SEC. .OPEN-FIELD SEARCHES.

(a) REPEAL.—Section 116 of Public Law 99–603 and section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) are repealed.

''(b) REDESIGNATION OF PROVISION.—Subsection (f) of section 287 of that Act is redesignated as subsection (e) of that section.''

ROBB (AND WARNER) AMENDMENT NO. 3731

(Ordered to lie on the table.)

Mr. ROBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CHANGES IN SPECIAL IMMIGRANT STATUS.

(a) REPEAL OF CERTAIN OBSOLETE PROVISIONS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking subparagraphs (B), (E), (F), (G), and (H).

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is further amended—

(1) by striking ''or'' at the end of subparagraph (J),

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

(3) by adding at the end the following subparagraph:

''(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

''(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference at the North Atlantic Treaty Organization (NATO);

''(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO–6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the 'Protocol on the Status of International Military Headquarters' set up pursuant to the North Atlantic Treaty or as a dependent); and

''(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the Immigration in the National Interest Act of 1995.''.

(c) CONFORMING NONIMMIGRANT STATUS FOR CERTAIN PARENTS OR SPECIAL IMMIGRANT CHILDREN.—Section 101(a)(15)(N) (8 U.S.C. 1101(a)(15)(N)) is amended—

(1) by inserting ''(or under analogous authority under paragraph (27)(L))'' after ''(27)(I)(i)'', and

(2) by inserting ''(or under analogous authority under paragraph (27)(L))'' and ''(27)(I)''.

(d) EXTENSION OF SUNSET FOR RELIGIOUS WORKERS.—Section 101(a)(27)(C)(ii) (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''1997'' and inserting ''2005'' each place it appears.

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 201(b)(1)(A) (8 U.S.C. 1151(b)(1)(A)) is amended by striking ''or (B)''.

(2) Section 203(b)(4) (8 U.S.C. 1153(b)(4)) is amended by striking ''or (B)''.

(3) Section 214(k)(3) (8 U.S.C. 1184(l)(3)), (3)(A), is amended by striking '', who has not otherwise been accorded status under section 101(a)(27)(H),''.

(4) Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by striking ''101(a)(27) (H), (I),'' and inserting ''101(a)(27)(I),''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION.—The amendments made by subsection (a) shall not apply to any alien with respect to whom an application for special immigrant status under a subparagraph repealed by such amendments has been filed by not later than September 30, 1996.

SHELBY (AND OTHERS) AMENDMENT NO. 3732

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. COCHRAN, Mr. COVERDELL, Mr. FAIRCLOTH, Mr. HELMS, Mr. INHOFE, Mr. THOMAS, Mr. BYRD, Mr. COATS, Mr. GRAMS, Mr. LOTT, Mr. THURMOND, Mr. WARNER, and Mr. PRESSLER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LANGUAGE OF GOVERNMENT ACT OF 1996.

(a) SHORT TITLE.—This section may be cited as the ''Language of Government Act of 1996''.

(b) FINDINGS AND CONSTRUCTION.—

(1) FINDINGS.—The Congress finds and declares that—

(A) the United States is comprised of individuals and groups from diverse ethnic, cultural, and linguistic backgrounds;

(B) the United States has benefited and continues to benefit from this rich diversity;

(C) throughout the history of the Nation, the common thread binding those of differing backgrounds has been a common language;

(D) in order to preserve unity in diversity, and to prevent division along linguistic lines, the United States should maintain a language common to all people;

(E) English has historically been the common language and the language of opportunity in the United States;

(F) Native American languages have a unique status because they exist nowhere else in the world, and in creating a language policy for the United States Government, due consideration must be given to Native American languages and the policies and laws assisting their survival, revitalization, study, and use;

(G) a purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States;

(H) by learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States;

(I) the use of a single common language in the conduct of the Federal Government's official business will promote efficiency and fairness to all people;

(J) English should be recognized in law as the language of official business of the Federal Government; and

(K) any monetary savings derived by the Federal Government from the enactment of this Act should be used for the teaching of non-English speaking immigrants the English language.

(2) CONSTRUCTION.—The amendments made by subsection (c)—

(A) are not intended in any way to discriminate against or restrict the rights of any individual in the United States;

(B) are not intended to discourage or prevent the use of languages other than English in any nonofficial capacity; and

(C) except where an existing law of the United States directly contravenes the amendments made by subsection (c) (such as by requiring the use of a language other than English for official business of the Government of the United States), are not intended to repeal existing laws of the United States.

(c) ENGLISH AS THE OFFICIAL LANGUAGE OF GOVERNMENT.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec.
''161. Declaration of official language of Government.
''162. Preserving and enhancing the role of the official language.
''163. Official Government activities in English.
''164. Standing.
''165. Definitions.

''§ 161. Declaration of official language of Government

''The official language of the Government of the United States is English.

''§ 162. Preserving and enhancing the role of the official language

''The Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the United States Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

''§ 163. Official Government activities in English

''(a) CONDUCT OF BUSINESS.—The Government shall conduct its official business in English.

''(b) DENIAL OF SERVICES.—No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Government solely because the person communicates in English.

''(c) ENTITLEMENT.—Every person in the United States is entitled to—

''(1) communicate with the Government in English;

''(2) receive information from or contribute information to the Government in English; and

''(3) be informed of or be subject to official orders in English.

''§ 164. Standing

''Any person alleging injury arising from a violation of this chapter shall have standing to sue in the courts of the United States under sections 2201 and 2202 of title 28, United States Code, and for such other relief as may be considered appropriate by the courts.

''§ 165. Definitions

''For purposes of this chapter:

''(1) GOVERNMENT.—The term 'Government' means all branches of the Government of the United States and all employees and officials of the Government of the United States while performing official businesses.

''(2) OFFICIAL BUSINESS.—the term 'official business' means those governmental actions, documents, or policies which are enforceable with the full weight and authority of the Government, but does not include—

''(A) use of indigenous languages or Native American languages, or the teaching of foreign languages in educational settings;

''(B) actions, documents, or policies that are not enforceable in the United States;

''(C) actions, documents, or policies necessary for international relations, trade, or commerce;

''(D) actions or documents that protect the public health or the environment;

''(E) actions that protect the rights of victims of crimes or criminal defendants;

''(F) documents that utilize terms of art or phrases from languages other than English;

''(G) bilingual education, bilingual ballots, or activities pursuant to the Native American Languages Act (25 U.S.C. 2901 *et seq.*); and

''(H) elected officials, who possess a proficiency in a language other than English, using that language to provide information orally to their constituents.''.

(2) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

''6. Language of the Government ..... 161''.

(d) PREEMPTION.—This section (and the amendments made by this section) shall not preempt any law of any State.

(e) EFFECTIVE DATE.—The amendments made by subsection (c) shall take effect upon the date of enactment of this Act, except that no suit may be commenced to enforce or determine rights under the amendments until January 1, 1997.

FAIRCLOTH AMENDMENT NO. 3733

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entities authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

KENNEDY AMENDMENT NO. 3734

Mr. KENNEDY proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place add the following:

SEC. INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;''.

KYL AMENDMENT NO. 3735

Mr. KYL proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the amendment add the following: Notwithstanding any other provision in this Act, section 154 shall read as follows:

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

''PHYSICAL AND MENTAL EXAMINATIONS

''SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

''(1) Aliens applying for visas for admission to the United States for permanent residence.

''(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

''(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

''(4) Alien crewmen entering or in transit across the United States.

''(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

''(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

''(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

''(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

''(c) MEDICAL EXAMINERS.—

''(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

''(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

''(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

''(B) Each civil surgeon designated under subparagraph (A) shall—

''(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

''(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

''(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

''(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

''(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

''(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

''(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

''(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

''(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

''(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245,or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

''(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

''(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

''(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

''(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

''(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

''(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

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

''(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

''(2) the term 'Secretary' means the Secretary of Health and Human Services.''.

BROWN AMENDMENT NO. 3736

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. . Pilot programs to permit bonding.

(a) IN GENERAL.—The Attorney General of the United States shall establish a pilot program in 5 States (at least 2 of which are in States selected for a demonstration project under section 112 of this Act) to permit aliens to post a bond in lieu of the affidavit requirements in section 203 of the Immigration Control and Financial Responsibility Act of 1996 and the deeming requirements in section 204 of such Act. Any pilot program established pursuant to this subsection shall require an alien to post a bond in an amount sufficient to cover the cost of benefits for the alien and the alien's family under the programs described in section 241(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5(D)) and shall remain in effect until the alien and all members of the alien's family permanently depart from the United States, are naturalized, or die.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including

(1) criteria and procedures for——

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing benefits under the programs described in section 241(a)(5)(D) for the alien and the alien's family for 6 months.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

DOLE (AND COVERDELL) AMENDMENT NO. 3737

Mr. COVERDELL (for Mr. DOLE, for himself and Mr. COVERDELL) proposed an amendment to amendment No. 3725 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the amendment, insert the following:

SEC. —. EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

''(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

''(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

''(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

''(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

''(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.''.

(b) DEFINITIONS—Section 101(a) (8) U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.''.

(c) This section will become effective one day after the date of enactment of the Act

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Tuesday, April 30, 1996, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on Aviation Safety: Are FAA Inspectors Adequately Trained, Targeted, and Supervised?

COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 2, 1996, at 2:00 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 742, a bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; S. 879, a bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile headquarters segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; S. 1167, a bill to amend the Wild and Scenic Rivers Act to exclude the South Dakota segment from the segment of the Missouri River designated as a recreational river; S. 1168, a bill to amend the Wild and Scenic Rivers Act to exclude any private lands from the segment of the Missouri River designated as a recreational river; S. 1174, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System; and S. 1374, a bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, April 24, 1996, session of the Senate for the purpose of conducting a hearing on S. 1278 and Distance Learning.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 24, 1996, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, April 24, at 9:30 a.m., hearing room SD–406, on S. 1285, the Accelerated Cleanup and Environmental Recovery Act of 1996 (''Superfund''), as modified by an amendment in the nature of a substitute, Senate Amendment No. 3563, dated March 21, 1996.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 24, 1996, at 2:00 p.m., to hold a hearing.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, April 24, 1996, at 9:30 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SIMPSON. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the President's fiscal year 1997 budget proposals for veterans' programs. The hearing will be held on April 24, 1996, at 2:00 p.m., in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 24, 1996, at 9:00 a.m. to hold an open hearing on intelligence matters.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 24, 1996, at 3:00 p.m. to hold a closed mark-up.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Wednesday, April 24, and Thursday, April 25, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, April 24, 1996, at 2:00 p.m., in Senate Dirksen room 226, on ''The need for additional bankruptcy judgeships and the role of the U.S. trustee system''.

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

ADDITIONAL STATEMENTS

IN SOLIDARITY WITH ISRAEL TO FIGHT TERRORISM

● Mr. MACK. Mr. President, I submit for the RECORD the following American-Jewish Committee message of solidarity with Israel against terrorism. The message appeared as a full-page advertisement in the New York Times on March 17, 1996.

The message follows:

● We stand with Israel—in grief, in solidarity, in our resolve to fight terrorism.

Again and again, terrorists intent on destroying Israel and halting the Arab-Israeli peace process have taken their deadly toll of innocent lives. In the latest horrific attacks, scores have been killed: Israelis young and old; Jews and non-Jews; citizens and visitors, including two young Americans.

We stand as one in our condemnation of those who commit and assist such heinous acts. The murderers and their supporters serve no agenda other than blind, fanatical hatred. Israelis, Palestinians, the international community must act to stop these killers now. Through every practical means, the promoters of terror must be defeated, their pipelines of financial and logistical support choked off.

We stand as one with the people of Israel and Jews the world over in mourning the victims of terrorist murder—as we have stood with Israel in other times of peril, and in times of accomplishment and hope. We stand with Israel in its age-old quest for peace and security.

This is a time of sorrow and reflection for the people of Israel, and for all who seek peace. It is a time of challenge for a country that has maintained its commitment to peace and freedom under relentless attack. We stand with Israel—in grief, in solidarity, and in our resolve to fight terrorists committed to the death of innocents and the death of hope.

Rep. Neil Abercrombie, Hawaii.
Sen. Spencer Abraham, Michigan.
Rep. Gary L. Ackerman, New York.
Gov. George Allen, Virginia.
Rep. Robert E. Andrews, New Jersey.
Mayor Dennis W. Archer, Detroit.
Dr. Don Argue, President, National Association of Evangelicals.
Rep. Bob Barr, Georgia.
Rep. Thomas M. Barrett, Wisconsin.
Mayor Marion Barry, Washington, DC.
Rep. Herbert H. Bateman, Virginia.
Rep. Howard L. Berman, California.
Joseph Cardinal Bernardin, Archbishop of Chicago.
Sen. Joseph R. Biden, Jr., Delaware.
Prof. Thomas E. Bird, Queens College.
David Blewett, Executive Director, National Christian Leadership Conference for Israel.
Rep. Thomas J. Bliley, Jr., Virginia.
Rep. Robert A. Borski, Pennsylvania.
Prof. David M. Bossman, Seton Hall University.
Sen. Barbara Boxer, California.
Sen. Bill Bradley, New Jersey.
Rep. Sherrod Brown, Ohio.
Mayor Willie L. Brown, Jr., San Francisco.
Rep. Sam Brownback, Kansas.
Rep. John Bryant, Texas.
Rev. Alfred S. Burnham, Ecumenical and Interreligious Director, Archdiocese of Los Angeles.
Right Rev. John Burt, President, National Christian Leadership Conference for Israel.
Rep. Dave Camp, Michigan.
Sen. Ben Nighthorse Campbell, Colorado.
Mayor Bill Campbell, Atlanta.
Del. Eric Cantor, Virginia.
Rep. Benjamin L. Cardin, Maryland.
Gov. Mel Carnahan, Missouri.
David Chen, Executive Director, Chinese American Planning Council.
Mayor Emanuel Cleaver II, Kansas City.
Sen. William S. Cohen, Maine.
Robert E. Cooley, President, Gordon-Conwell Theological Seminary.
Dr. James H. Costen, President, Inter-Denominational Theological Center.
Rep. William J. Coyne, Pennsylvania.
Rep. Randy Cunningham, California.
Sen. Alfonse M. D'Amato, New York.
Rep. Pat Danner, Missouri.
Sen. Thomas A. Daschle, South Dakota, Senate Minority Leader.
Rep. Thomas M. Davis III, Virginia.
Rep. Rosa L. DeLauro, Connecticut.
Rep. Peter Deutsch, Florida.
Guarione M. Diaz, President, Cuban American National Council.
Rep. Julian C. Dixon, California.
Sen. Christopher J. Dodd, Connecticut.
Sr. Audrey Doetzel, N.D.S., Sisters of Our Lady of Zion.
Rep. Lloyd Doggett, Texas.
Sen. Robert Dole, Kansas, Senate Majority Leader.
Most Rev. John F. Donoghue, Archbishop of Atlanta.
Rep. Michael F. Doyle, Pennsylvania.
Rev. Robert F. Drinan, S.J., Professor, Georgetown University Law Center.
Rev. James M. Dunn, Executive Director, Baptist Joint Committee on Public Affairs.
Rev. Nicholas B. van Dyck, President, Religion in American Life.
Clint Eastwood Actor/Director, Los Angeles.
Gov. Jim Edgar, Illinois.
Rep. Eliot L. Engel, New York.
Gov. John Engler, Michigan.
Dr. Paul Eppinger, Executive Director, Arizona Ecumenical Council.
Rep. Anna Eshoo, California.
Rev. Dr. Robert A. Everett, Pastor, Emanuel United Church of Christ, Irvington, New Jersey.
Sen. Dianne Feinstein, California.
Juan A. Figueroa, President and General Counsel, Puerto Rican Legal Defense and Education Fund.
Rep. Thomas M. Foglietta, Pennsylvania.
Rep. Mark Foley, Florida.
Dr. James Forbes, Jr., Senior Minister, Riverside Church of New York.
Rep. Michael P. Forbes, New York.
Ken Foster, Chair, Palm Beach County Commission.
Rep. Jon D. Fox, Pennsylvania.
Rep. Barney Frank, Massachusetts.
Rep. Gary A. Franks, Connecticut.
Rep. Rodney P. Frelinghuysen, New Jersey.
Rep. Dan Frisa, New York.
Henry Louis Gates, Jr., Chairman, Department of African American Studies, Harvard University.
David Geffen, DreamWorks SKG, Los Angeles.
Rep. Sam Gejdenson, Connecticut.
Rep. Richard A. Gephardt, Missouri, House Minority Leader.
Rep. Benjamin A. Gilman, New York.
Rep. Newt Gingrich, Georgia, Speaker of the House.
Mayor Rudolph Giuliani, New York.
Gov. Parris N. Glendening, Maryland.
Rep. William F. Goodling, Pennsylvania.
Rep. Bart Gordon, Tennessee.
Joseph E. Gore, President and Executive Director, The Kosciuszko Foundation.
Sen. Slade Gorton, Washington.
Dr. Alfred Gottschalk, Chancellor, Hebrew Union College.
Sen. Bob Graham, Florida.
Mayor Nancy Graham, West Palm Beach.
Sen. Phil Gramm, Texas.
Gov. Bill Graves, Kansas.
E. Brandt Gustavson, President, National Religious Broadcasters.
Right Rev. Ronald H. Haines, Episcopal Bishop of Washington, DC.
Rep. Tony P. Hall, Ohio.
Rep. Lee H. Hamilton, Indiana.
Mayor Susan Hammer, San Jose.

Rep. James V. Hansen, Utah.
Rep. Jane Harman, California.
Mayor Elihu Harris, Oakland.
Rev. Linda B. Harter, Minister of Pastoral Care, Presbyterian Church of Falling Spring, Chambersburg, Pennsylvania.
Rev. Dr. William H. Harter, Pastor, Presbyterian Church of Falling Spring, Chambersburg, Pennsylvania.
Rep. Alcee L. Hastings, Florida.
Sen. Orrin G. Hatch, Utah.
Dr. John W. Healey, S.T.D., Director, Archbishop Hughes Institute, Fordham University.
Sen. Howell Heflin, Alabama.
Sen. Ernest F. Hollings, South Carolina.
Rep. Stephen Horn, California.
Dean Joseph C. Hough, Jr., Vanderbilt Divinity School.
Rep. Steny H. Hoyer, Maryland.
Most Rev. Howard J. Hubbard, Bishop of Albany.
Rep. Tim Hutchinson, Arkansas.
Archbishop Iakovos, Greek Orthodox Archdiocese of North and South America.
Sen. Daniel K. Inouye, Hawaii.
Rep. Tim Johnson, South Dakota.
Rep. Harry Johnston, Florida.
Elaine R. Jones, Director-Counsel, NAACP Legal Defense and Education Fund.
Sen. Nancy Landon Kassebaum, Kansas.
Jeffrey Katzenberg, DreamWorks SKG, Los Angeles.
Sr. Dorothy Ann Kelly, O.S.U., President, College of New Rochelle.
Rep. Sue W. Kelly, New York.
Hon. Jack Kemp, Washington, DC.
Sen. Edward M. Kennedy, Massachusetts.
Rep. Barbara B. Kennelly, Connecticut.
Sen. John F. Kerry, Massachusetts.
Rev. Diane C. Kessler, Executive Director, Massachusetts Council of Churches.
Rep. Peter T. King, New York.
Rep. Gerald D. Kleczka, Wisconsin.
Rev. Kenneth Kliever, Region Minister, American Baptist Churches of the Pacific Southwest.
Rep. Scott L. Klug, Wisconsin.
Rep. Joseph Knollenberg, Michigan.
Sen. Herbert H. Kohl, Wisconsin.
Dr. Norman Lamm, President, Yeshiva University.
Rev. Richard Land, President, Christian Life Commission of the Southern Baptist Convention.
Rep. Tom Lantos, California.
Rep. Tom Latham, Iowa.
Rep. Greg Laughlin, Texas.
Sen. Frank R. Lautenberg, New Jersey.
Rep. Rick Lazio, New York.
Rev. Christopher M. Leighton, Executive Director, Institute for Christian and Jewish Studies.
Most Rev. William J. Levada, Archbishop of San Francisco.
Sen. Carl Levin, Michigan.
Rep. John Lewis, Georgia.
Dr. David A. Lewis, President, Christians United for Israel.
Sen. Joseph I. Lieberman, Connecticut.
Brother James A. Liguori, C.F.C., President, Iona College.
Archbishop Oscar H. Lipscomb, Archdiocese of Mobile.
Rep. Nita M. Lowey, New York.
Gov. Michael Lowry, Washington.
Sen. Connie Mack, Florida.
Dean W. Eugene March, Louisville Presbyterian Theological Seminary.
Bernard Marcus, President and CEO, The Home Depot, Atlanta.
Rep. Frank R. Mascara, Pennsylvania.
Dr. Prema Mathai-Davis, National Executive Director, YWCA of the U.S.A.
Rep. Robert T. Matsui, California.
H. Carl McCall, Comptroller of New York.
Most Rev. Theodore E. McCarrick, Archbishop of Newark.
Rep. Karen McCarthy, Missouri.
Rep. Bill McCollum, Florida.
Rep. Paul McHale, Pennsylvania.
Rep. Cynthia McKinney, Georgia.
Msgr. John R. McMahon, St. Joan of Arc Roman Catholic Church, Boca Raton.
Rep. Marty Meehan, Massachusetts.
Rep. Carrie P. Meek, Florida.
Hon. Thomas Patrick Melady, Former Ambassador to the Vatican, President Emeritus, Sacred Heart University.
Rep. Jack Metcalf, Washington.
Rep. Jan Meyers, Kansas.
Hon. Kweisi Mfume, President and CEO, NAACP.
Sen. Barbara A. Mikulski, Maryland.
Rep. Dan Miller, Florida.
Gov. Zell Miller, Georgia.
Luis A. Miranda, President, Hispanic Federation of New York City.
Rep. James P. Moran, Virginia.
Rep. Constance A. Morella, Maryland.
Dr. Milton D. Morris, Vice President of Research, Joint Center for Political and Economic Studies.
Sen. Carol Moseley-Braun, Illinois.
Edward J. Moskal, President, Polish American Congress.
Sen. Daniel Patrick Moynihan, New York.
Sen. Patty Murray. Washington.
Rep. Jerrold Nadler, New York.
Rep. George R. Nethercutt, Jr., Washington.
Rev. Richard John Neuhaus, Editor in Chief, First Things.
Most Rev. John J. Nevins, Bishop of the Diocese of Venice, Florida.
Rep. David R. Obey, Wisconsin.
Most Rev. Thomas J. O'Brien, Bishop of Phoenix.
Rep. John W. Olver, Massachusetts.
Andrew P. O'Rourke, County Executive, Westchester County.
Rep. Frank Pallone, Jr., New Jersey.
Mario J. Paredes, Executive Director, Northeast Hispanic Catholic Center.
Rep. Ed Pastor, Arizona.
Gov. George E. Pataki, New York.
Rev. John T. Pawlikowski, O.S.M., Professor of Social Ethics, Catholic Theological Union.
Sen. Claiborne Pell, Rhode Island.
Rev. Kate Penfield, President, American Baptist Churches, U.S.A.
Most Rev. Daniel Pilarczyk, Archbishop of Cincinnati.
Jeanine Pirro, District Attorney, Westchester County.
Dr. Alvin F. Poussaint, Director, Judge Baker Children's Center, Boston.
Hugh B. Price, President and CEO, National Urban League.
Mayor Roxanne Qualls, Cincinnati.
Rep. Jim Ramstad, Minnesota.
Rep. Charles B. Rangel, New York.
Rep. Jack Reed, Rhode Island.
Dr. Ralph Reed, Executive Director, Christian Coalition.
Mayor Norman B. Rice, Seattle.
Mayor Edward G. Rendell, Philadelphia.
Gov. Tom Ridge, Pennsylvania.
Mayor Richard J. Riordan, Los Angeles.
Rep. Pat Roberts, Kansas.
Rep. Tim J. Roemer, Indiana.
Gov. Roy Romer, Colorado.
Rep. Ileana Ros-Lehtinen, Florida.
Bishop Catherine S. Roskam, Bishop Suffragan of New York.
Sen. William V. Roth, Jr., Delaware.
Fred Rotondaro, Executive Director, National Italian American Foundation.
Rep. Matt Salmon, Arizona.
Sen. Rick Santorum, Pennsylvania.
Rep. Thomas C. Sawyer, Ohio.
Rep. Jim Saxton, New Jersey.
Rep. Steven Schiff, New Mexico.
Rev. Theodore F. Schneider, Bishop, Metropolitan Washington, DC, Synod, ELCA.
Dr. Ismar Schorsch, Chancellor, Jewish Theological Seminary of America.
Rep. Patricia Schroeder, Colorado.
Mayor S.J. Schulman, White Plains.
Rep. Charles E. Schumer, New York.
Rep. E. Clay Shaw, Jr., Florida.
Dr. Franklin Sherman, Director, Institute for Jewish-Christian Understanding, Muhlenberg College.
Dr. James M. Shuart, President, Hofstra University.
Sen. Paul Simon, Illinois.
Rep. David E. Skaggs, Colorado.
Rep. Ike Skelton, Missouri.
Rev. Gary F. Skinner, Synod Executive, Synod of the Southwest Presbyterian Church (U.S.A.).
Rep. Louise McIntosh Slaughter, New York.
Rep. Linda Smith, Washington.
Sen. Olympia J. Snowe, Maine.
Sen. Arlen Specter, Pennsylvania.
Ann Stallard, National President, YWCA of the U.S.A.
David Steinberg, President, Long Island University.
Rep. Louis Stokes, Ohio.
Rep. Gerry E. Studds, Massachusetts.
Rep. Bart Stupak, Michigan.
Bishop Joseph M. Sullivan, Auxiliary Bishop, Diocese of Brooklyn.
Rt. Rev. William E. Swing, Episcopal Bishop of California.
Rep. Charles H. Taylor, North Carolina.
Rep. Frank Tejeda, Texas.
Dr. David A. Teutsch, President, Reconstructionist Rabbinical College.
Sr. Rose Thering, O.P., Executive Director, Emerita National Christian Leadership Conference for Israel.
Bishop Herbert Thompson, Jr., Bishop of the Episcopal Diocese of Southern Ohio.
Rep. Todd Tiahrt, Kansas.
Rep. Peter G. Torkildsen, Massachusetts.
Rep. Esteban E. Torres, California.
Rep. Robert G. Torricelli, New Jersey.
Rep. Edolphus Towns, New York.
Dr. Stephen Joel Trachtenberg, President, George Washington University.
Prof. Albert Truesdale, Nazarene Theological Seminary.
Rep. Nydia M. Velázquez, New York.
Dr. James L. Waits, Executive Director, Association of Theological Schools in the United States and Canada.
Dennis M. Walcott, President and CEO, New York Urban League.
Rep. James T. Walsh, New York.
Rep. Zach Wamp, Tennessee.
Rep. Mike Ward, Kentucky.
Rep. J.C. Watts, Jr., Oklahoma.
Rep. Henry A. Waxman, California.
Mayor Wellington E. Webb, Denver.
George Weigel, President, Ethics and Public Policy Center.
Gov. William F. Weld, Massachusetts.
Rep. Curt Weldon, Pennsylvania.
Sen. Paul Wellstone, Minnesota.
State Sen. Robert Wexler, Florida.
Prof. Roger Wilkins, George Mason University.
Gov. Pete Wilson, California.
Rep. Robert E. Wise, Jr., West Virginia.
Rev. R. Stewart Wood, Bishop of the Episcopal Diocese of Michigan.
Rep. Albert Wynn, Maryland.
Rep. Sidney R. Yates, Illinois.
Amb. Andrew Young, Atlanta.
Rep. C.W. Bill Young, Florida.
Raul Yzaguirre, President and CEO, National Council of La Raza.
Rep. Richard A. Zimmer, New Jersey.●

A FAIR FLAT TAX TO RALLY BEHIND

● Mr. SIMON. Mr. President, there is a great deal of talk about what we will

do long term to protect Social Security.

One relatively simple method of buttressing that fund and also putting the Federal Government in better financial shape is to follow the advice of former Massachusetts Gov. Michael Dukakis.

He had an op-ed piece recently in the Los Angeles Times that really makes sense, which I ask to be printed in the RECORD after my remarks.

The difficulty rests with our system of campaign financing. Those who benefit by the present system of not taxing incomes above $62,700 are the big contributors to our campaigns. Even if you do not buy the idea of lowering the Social Security tax, revising the exemption certainly makes our tax system a much more just system.

Mike Dukakis is right.

The article follows:

[From the Los Angeles Times, March 15, 1996]

A FAIR FLAT TAX TO RALLY BEHIND

(By Michael Dukakis)

Steve Forbes hoped to ride into the White House on a flat income tax with a low-earner exemption. He apparently had a lot of company, at least on the Republican side of the street.

Of course, when you look at it closely, the flat tax is nothing more than another attempt to give a huge tax break to wealthy taxpayers like Forbes. But it sounded good at least when he first proposed it, and it transformed him, at lest temporarily, into a serious challenger for the Republican nomination.

Suppose, however, that a candidate for the presidency ran on a plan for a flat tax with a high-earner exemption. We'd think he was out of his mind.

Yet that's exactly how the Social Security tax works. We pay a flat tax of 6.2% on every dollar we make, up to $62,700. All wages above that are tax exempt.

The high-earner exemption is as regressive as it sounds. And it's taking a huge chunk out of the wages of average working Americans. A worker making $60,000 a year pays eight times the rate paid by someone pulling in a half-million a year and 80 times the rate paid by someone making 5 million a year. To put it another way: A $60,000 earner pays 6.2% on all her earnings; a $500,000 earner pays the 6.2% on the first $62,700, which is 0.78% of all his earnings, and the earner of $5 million pays the same, which is 0.078% of his earnings.

It's bad enough that working middle class Americans are feeling less and less secure. For those lucky enough to still have a job in these days of massive corporate downsizing, the Social Security tax is the unkindest cut of all.

In fact, more than half the people in this country pay more in Social Security taxes than they do in income taxes. And you can bet they aren't among the wealthiest 20% to whom virtually all income growth has gone since 1980.

What can we do about it? It's a simple as it is common sense. Get rid of the high-earner exemption, cut the Social Security tax rate and apply it to all earned income—just what the flat-taxers say they want to do to the income tax.

If we made this one move, the Social Security flat tax rate would decrease by 12%. Everyone earnings less than $82,000—that's more than 97% of American workers—would get a tax break. It wouldn't increase the federal deficit one dime. But it would eliminate the necessity for the kind of tax cut that budget negotiators are wrestling with, which would add billions to the deficit.

Lower taxes for the overwhelming majority of working Americans. Heightened fairness. A fiscally responsible tax cut for the middle class. These are the goals that all fair-minded Republicans and Democrats should be able to support.

Of course, people like Steve Forbes would have to pay the same rate as the rest of us. But wasn't that the principle behind the flat tax in the first place?●

TERM LIMITS

● Mr. MURKOWSKI. Mr. President, yesterday the Senate failed to invoke cloture on the resolution that would have allowed the States to decide whether the Constitution should be amended to impose term limits on Congress. I supported invoking cloture and I want to express my disappointment that we were not able to limit debate on this important issue.

Mr. President, in 1994, 63 percent of Alaskans who voted cast their ballot in favor of congressional term limits. I want to explain why I support the resolution and also cite some reservations I have concerning this idea.

As a majority of Alaskan voters believe, term limits may indeed provide for the infusion of fresh ideas and new perspectives through the Halls of Congress. Term limits may also make Congress more responsive to its constituents; decrease the possibility of corruption that some see as stemming from longevity in office; and enhance the role of merit, rather than seniority, in the distribution of power.

However, term limits unquestionably restrict the ability of voters to vote for whom they wish, thereby indiscriminately terminating the public service work of both good legislators and bad legislators, alike.

Term limits would remove many of the most competent and experienced Members from office prematurely, thereby destroying the so-called institutional memory. The only individuals who would retain an institutional memory would be professional staff. Term limits may very well enhance their ability to shape legislation and become entrenched as the permanent bureaucracy of Capitol Hill.

Similarly, the professional lobbyists in Washington may also find their influence with Members of Congress improved, as they are far more familiar with the details of issues affecting their industries than new Members of Congress.

Finally, I would note that term limits could well diminish the influence of Senators and Congressmen from States with small populations, such as Alaska. I am especially concerned that term limits in the House will increase the power of States like California, Texas, and New York, which have delegations as large as 52 Members as opposed to States such as Alaska and Wyoming, each of which only has one Representative.

Despite my reservations, Mr. President, the people of Alaska have clearly indicated their preference for term limits and I abide by that decision. I would support the constitutional term limit amendment because it would establish a uniform term-limit rule which would apply to all 50 States.

Uniformity among States is imperative not only because the Supreme Court has ruled that individual States cannot constitutionally limit mandated uniformity, but also because States with term limits would be placed at a serious disadvantage in the Congress with States that do not limit Members' terms.

A uniform term-limit amendment would place all 50 States on equal footing in representing constituents in Congress and that is why I support such an amendment. I will therefore vote in favor of the constitutional amendment approach to term limits to ensure that Alaskans are guaranteed equal representation in the Congress.

I hope the majority leader will be able to bring this measure back before the Senate this year so that we can bring this issue to a final vote.●

TRIBUTE TO RON VAN DE HEY

● Mr. KOHL. Mr. President, today I would like to honor Ronald Van De Hey for his outstanding service to Outagamie County and the entire Fox Valley area as he resigns from his position as county executive. Ron started his career in public service as a school board member in 1972. In 1982 he was elected mayor of Kaukauna, where he served for 9 years. His experience as mayor made him an excellent choice for the position of Outagamie County executive, where he has served with distinction since 1991.

Ronald Van De Hey has always had a strong commitment to the people of his community. He was active not only in his elected positions but as a member of charitable and professional organizations as well. Foremost in Ron's mind was always the desire to improve the lives of his fellow citizens.

His colleagues will remember his diplomatic manner. His ability to work with people on all sides of an issue and achieve a compromise everyone can feel good about will be sorely missed. While Ron was flexible, he also knew when to stick to his guns and rely on the strength of his convictions. In the role of the executive he was willing to make the tough decisions, even when it was not the popular thing to do.

Ronald Van De Hey is an excellent illustration of the quality people who serve in local government. He has set an example of public service, not only for other county officials, but for everyone who holds elected office at the local, State or Federal level.

I wish him all the best in his future endeavors. I am sure he will continue to be a valuable asset to the Fox Valley area.●

WOUND, OSTOMY AND CONTINENCE NURSES SOCIETY

● Mr. GORTON. Mr. President, I am pleased to welcome the Wound, Ostomy and Continence Nurses Society [WOCN] to Seattle, WA, 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 therapists [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 association 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.●

SEA-LAND CELEBRATES 30 YEARS OF SERVICE IN CHARLESTON

● Mr. HOLLINGS. Mr. President, I would like to pay tribute to the contribution of Sea-Land Services to the city of Charleston over the past 30 years. Not only my hometown, but the entire State of South Carolina has benefited from the services of this company.

Sea Land's founder, Malcolm McLean, is the father of modern containerization. It was his idea to use standardized boxes for shipping goods internationally by sea. By limiting the handling of a container's contents, this technique afforded rapid, safe, and inexpensive transportation of goods all over the world, thus having a profound impact on world trade and economic development. It is a simple concept, containerization of goods to be handled only at their origin and their destination, but it is one of the more important innovations in recent history.

Since its arrival in 1966, Sea-Land has enjoyed a prosperous relationship with the city of Charleston. It has expanded to meet the growing trade needs of South Carolinians, and now moves cargo to and from more than 35 countries. In 1966, Sea-Land's containership, *Gateway City*, first sailed into Charleston harbor; 30 years later, Charleston's container cargo has grown from 80,000 tons to over 8.2 million tons, with the value growing from $512 million to more than $20 billion.

Charleston's efficient inland links and close access to the open sea led other steamship companies to follow Sea-Land's lead and make the city their south Atlantic base of operations. The trading potential offered by these ocean carriers has opened markets around the world for U.S. products. Cargo ships provide many opportunities for economic development in the regions they serve.

Due to the relatively transparent movement of goods these days, few people realize that 95 percent of our international trade moves by ship. This is a tribute to the success of containerization and the transportation industry. The effects of Sea-Land's contribution to the shipping industry go beyond Charleston to the entire State and the Southeast. Manufacturers in 26 States use the extensive shipping services in Charleston. The trade relationships that Sea-Land makes possible bring countries together across the world.

The State of South Carolina has enjoyed tremendous economic growth recently, attracting interest and investments from all over the globe. Without the capital commitments of our ports and ocean carriers like Sea-Land, this would not be possible. We appreciate the continued commitment Sea-Land has made to our area and look forward to another 30 prosperous years.●

CONGRATULATIONS TO DR. MAHMOUD FAHMY

● Mr. ABRAHAM. Mr. President, I rise today to offer my warm congratulations to Dr. Mahmoud H. Fahmy of Dallas, PA who will be honored by his colleagues, friends, and family at a testimonial dinner this evening. Dr. Fahmy has recently retired from Wilkes University in Wilkes-Barre, PA where he spent 30 years of his professional life. Although formally retired from Wilkes University, Dr. Fahmy is currently the President of his own business, serves as chairman of the Luzerne County Community College Board of Trustees, and is a member of countless community service organizations.

I have had the pleasure of personally knowing Dr. Fahmy and appreciating his dedication, not only to domestic educational endeavors, but to international projects as well. Dr. Fahmy's exemplary duty and service to the community at large has earned him the great respect of his colleagues, friends, and family. I would like to join them in commending him for his dedication to his community and to his profession. Dedicating one's career to education is something very special and should be recognized by all of us who enjoy the fruits of this great country.

The State of Pennsylvania is very lucky to have Dr. Fahmy amongst its citizens, and should be very proud of his accomplishments. I would like to conclude by extending to him my best wishes for a happy retirement and much success in his future endeavors.●

COMMEMORATION OF THE ARMENIAN VICTIMS

● Mr. FEINGOLD. Mr. President, I join my colleagues again this year in remembering today the 1.5 million Armenians who died in 1915 in the hands of the Ottoman Empire. These Armenians were victims of a policy explicitly intended to isolate, exile, and even extinguish the Armenian population. As we look at world events today—in Bosnia, Rwanda, and elsewhere—we must remember the events of 1915, with the hope that with history as a guide, humanity will not engage in such brutality again.

We will also learn from history that America served as a haven for those Armenians fleeing persecution. At the time of the atrocities, America spoke out in defense of a defenseless people, and provided massive amounts of humanitarian assistance to the Armenian people. Today, America still leads the world in championing human rights, and our shores offer refuge to those fleeing persecution throughout the world. On days like today, we must remember what we stand for, and ensure that the U.S. continues to be a beacon of strength and hope for the heroes that stand up and survive such atrocities.

I compliment President Clinton on his commitment to the Armenian cause, and I am proud to join him and my colleagues today in commemorating this import ant occasion.●

Mr. BIDEN. Mr. President, the city of Washington, DC, is blessed this week with the presence of some of the most dedicated people in America—its teachers. Each state's Teacher of the Year is visiting Washington to be honored for their top notch work in educating our children.

As a husband of a teacher, I know how some people view the teaching profession. I have heard all of the jokes. And, I have read the articles—including some recent ones—deriding the Nation's teaching force and claiming that teachers are the root of our educational problems.

Well, Mr. President, the Teachers of the Year that are here this week should dispel those myths. These teachers are simply among the best and the brightest our Nation has to offer.

For most of us, there was at least one teacher along the way who touched us, who motivated us, who inspired us. A teacher who was more than just a body at the blackboard. For students in the Indian River School District in my State of Delaware, one of those teachers is Darryl Hudson. He is Delaware's Teacher of the Year, and I want to congratulate him and take just few minutes to honor him.

Mr. Hudson—named the top teacher among over 6,000 public school teachers

in Delaware—teaches seventh grade science at Sussex Central Middle School in Millsboro, DE. And, although I have never experienced his teaching first hand, I think the biggest testament about what he does in the classroom comes from what his fellow teachers say about him. They talk admiringly of the energy he brings to school each day, of his dedication to educating all children, and of the uplifting inspiration he provides to staff, parents, and most importantly, the students.

But, as is the case with many teachers, Mr. Hudson's involvement in and dedication to education go beyond the classroom. He is a cooperative teacher for Salisbury State University students, a member of the New Directions Educator Corps, and a Mentor for a Wilmington College student.

I should also note that we in Delaware are proud that Mr. Hudson is a product of our own higher education system. In fact, he and I are both Fightin' Blue Hens. For my colleagues who do not know, that means we are both graduates of the University of Delaware. He received his masters degree from Wilmington College. And, at the same time he is teaching seventh graders—a daunting task in and of itself, in my view—he continues to pursue his own education at Salisbury State University just across the Delaware border in Maryland.

Mr. President, a moment ago, I mentioned the way in which a teacher has inspired almost every one of us. And, to give you a perfect illustration of the power of a teacher to mold a mind and build a citizen, Mr. Hudson—a teacher—was himself inspired by a teacher. He says that his sixth grade teacher had more influence on him than anyone else outside his immediate family. And, now, he is having that same influence on countless others.

Again, I want to congratulate Darryl Hudson on his selection as Delaware Teacher of the Year.

PREPARING STUDENTS FOR THE COMING CENTURY

● Mr. SIMON. Mr. President, every study that is made suggests that the United States has to do a better job in the field of education.

No one disputes it.

And yet at the congressional level and candidly also at the State level we are going along blissfully ignoring this reality, mouthing pious statements about education, but not really doing much.

One of many economists who has been telling us that we have to do better in the field of education is Lester Thurow of the Massachusetts Institute of Technology and probably the most widely read economist in the country.

He is also one of the most thoughtful.

Recently in the Washington Post he had an article titled ''Preparing Students for the Coming Century,'' which I asked to be printed in the RECORD after my remarks.

I am sure some of my colleagues read it, but since it was in the Education Section of the Sunday edition of the Washington Post, some of you may not have read it.

It is worth reading for Senators, for House Members, for staffers, and for anyone who may pick up a CONGRESSIONAL RECORD and go through it. The article follows:

[From the Washington Post, Apr. 7, 1996]

PREPARING STUDENTS FOR THE COMING CENTURY

(By Lester C. Thurow)

Consider an alphabetical list of the 12 largest companies in America at the turn of the 20th century: the American Cotton Oil Company, American Steel, American Sugar Refining Company, Continental Tobacco, Federal Steel, General Electric, National Lead, Pacific Mail, People's Gas, Tennessee Coal and Iron, U.S. Leather and U.S. Rubber. Ten of the 12 were natural resource companies. The economy then was a natural resource economy, and wherever the most highly needed resources were to be found, employment opportunities would follow.

In contrast consider the list made 90 years later by the Japanese Ministry of International Trade and Industry, enumerating what it projected to be the most rapidly growing industries of the 1990s: microelectronics, biotech, the new material-science industries, telecommunications, civilian aircraft manufacturing, machine tools and robots, and computers (hardware and software). All are brainpower industries that could be located anywhere on the face of the earth. Where they will take root and flourish depends upon who organizes the brainpower to capture them. And who organizes the power most efficiently will depend on who educates toward that objective best.

But back to the industries for the moment: Think of the video camera and recorder (invented by Americans), the fax (invented by Americans), and the CD player (invented by the Dutch). When it comes to sales, employment and profits, all have become Japanese products despite the fact that the Japanese did not invent any of them. Product invention, if one is also not the world's low-cost producer, gives a country very little economic advantage. Being the low-cost producer is partly a matter of wages, but to a much greater extent it is a matter of having the skills necessary to put new things together.

Wages don't depend on an individual's skill and productivity alone. To a great extent they reflect team skills and team productivities. The value of any single person's knowledge depends upon the smartness with which that knowledge is used in the overall economic system—the abilities of buyers and suppliers to absorb that individual's skills.

In an era of brainpower industries, however, the picture is even more complicated: The economy is a dynamic economy always in transition—the companies that do best are those able to move from product to product within technological families so quickly that they can always keep one generation ahead. Keeping one jump ahead in software, for instance, Bill Gates's Microsoft had a net income running at 24 percent of sales in 1995.

If a country wants to stay at the leading edge of technology and continue to generate high wages and profits, it must be a participant in the evolutionary progress of brainpower industries so that it is in a position to take advantage of the technical and economic revolutions that occasionally arise. Knowledge has become the only source of long-run sustainable competitive advantage. Recent studies show that rates of return for industries that invest in knowledge and skill are more than twice those of industries that concentrate on plant and equipment. In the past, First World citizens with Third World skills could earn premium wages simply because they lived in the First World. They had more equipment, better technology and more skilled co-workers than those who lived in the Third World. But that premium is gone. Today's transportation and communications technologies have become so sophisticated that high-wage skilled workers in the First World can work together effectively with low-wage unskilled workers in the Third World. America's unskilled now get paid based on their own abilities and not on those of their better-trained co-workers.

Industrial components that require highly skilled manufacturers can be made in the First World and then shipped to the Third World to be assembled with ''low skill'' components. Research and design skills can be electronically brought in from the First World. Sales results can be quickly communicated to the Third World factory, and retailers know that the speed of delivery won't be significantly affected by where production occurs. Instant communications and rapid transportation allow markets to be served effectively from production points on the other side of the globe.

Multinational companies are central in this process: Where they develop and keep technological leadership will determine where most of the high-level jobs will be located. If these firms decide to locate their top-wage leadership skills in the United States, it will not be because they happen to be American firms but because America offers them the lowest cost of developing these skills. The decisions will be purely economic. If America is not competitive in this regard, the market will move on. The countries that offer companies the lowest costs of developing technological leadership will be the countries that invest the most in research and development, education and infrastructure (telecommunications systems, etc.).

If the person on a loading dock runs a computerized inventory-control system in which he logs delivered materials right into his hand-held computer and the computer instantly prints out a check that is given to the truck driver to be taken back to his firm (eliminating the need for large white-collar accounting offices that process purchases), the person on the loading dock ceases to be someone who just moves boxes. He or she has to have a very different skill set.

Factory operatives and laborers used to be high school graduates or even high school dropouts. Today 16 percent of them have some college education and 5 percent have graduated from college. Among precision production and craft workers, 32 percent have been to or graduated from college. Among new hires those percentages are much higher. In the last two decades, the linkage between math abilities and wages has tripled for men and doubled for women.

The skill sets required in the economy of the future will be radically different from those required in the past. And the people who acquire those skill sets may not be the unskilled workers who currently live in the first world. With the ability to make anything anywhere in the world and sell it anywhere else in the world, business firms can ''cherry pick'' the skilled or those easy (i.e., cheap) to teach wherever they live. American firms don't have to hire an American high school graduate if that graduate is not world-class. His or her educational defects are not their problem. Investing to give the necessary market skills to a well-educated Chinese high school graduate may well end

up being a much more attractive (i.e., less costly) investment than having to retrain an American high school dropout or a poorly trained high school graduate.

Take Korea for example. In a global economy, what economists know as ''the theory of factor price equalization'' holds that an American worker will have to work for wages commensurate with a Korean's wages unless he works with more natural resources than a Korean (and no American can, since there is now a world market for raw material to which everyone has equal access); unless he has access to more capital than a Korean (and no American can since there is a global capital market where everyone borrows in New York, London and Tokyo); unless he has more skilled co-workers than a Korean (and no American can claim to since multi-national companies can send needed knowledge and skills anywhere in the world); and unless he has access to better technology than a Korean (and few Americans have, since reverse engineering—tearing a product apart to learn how it is made—has become an international art form, highly refined in Korea). Adjusted for skills, Korean wages will rise and American wages will fall until they equal each other. At that point, factor price equalization will have occurred.

The implications for the future are simple. If America wants to generate a high standard of living for all of its citizens, skill and knowledge development are central. New brainpower industries have to be invented and captured. Organizing brainpower means not just building a research and development system that will put us on the leading edge of technology, but organizing a top-to-bottom work force that has the brainpower necessary to make us masters of the new production and distribution technologies that will allow us to be the world's low-cost producers.

To do this will require a very different American educational system. And building such a system is the new American challenge.

Progress has to start by ratcheting up the intensity of the American high school. The performance of the average American high school graduate simply lags far behind that found in the rest of the industrial world. Those Americans who complete a college course of study end up catching up (the rest of the industrial world doesn't work very hard in the first couple of years of university education), but three quarters of the American work force doesn't ever catch up.

The skill gap doesn't end there. Non-college-bound high school graduates elsewhere in the industrial world go on to some form of post-graduate skill training. Germany has its famous apprenticeship system; in France every business firm by law has to spend one percent of its sales revenue on training its work force; and with lifetime employment as a fact of life, Japanese companies invest heavily in the work force's skills since they know that it is impossible to hire skilled workers from the outside. In America, government-funded programs are very limited in nature, and, with high labor-force turnover rates, American companies quite rationally don't want to make skill investments in people who will leave and take their skills elsewhere. The net result is a compounded skill gap for those Americans who do not graduate from college. Closing this gap and giving the country a competitive edge should be America's number one educational priority.●

ARMENIAN GENOCIDE

● Mrs. BOXER. Mr. President, I rise today to commemorate the anniversary of a most tragic chapter in history—the genocide of the Armenian people. Eighty-one years ago today, the Ottoman Empire began the systematic elimination of the people of Armenia. It is of paramount importance that we recall this horrible time so that it will never be repeated.

On April 24, 1915, the Ottoman Empire began arresting hundreds of political, religious, and intellectual leaders throughout Anatolia. In the following 2 years, the Ottoman regime carried out a systematic, premeditated, centrally planned genocide, taking the lives of approximately 1.5 million people.

The Armenian genocide remains one of the most horrifying events in human history. Armenians perished from execution, starvation, disease, physical abuse, and exposure to a harsh environment. More than 500,000 people were forced from their homes, and within a few years, the entire Armenian population had been either killed or exiled.

On May 28, 1918, the Armenians were able to defeat a Turkish attack, with the help of volunteers from abroad. They gained freedom for a brief period, but in 1920 the Soviet Union joined the Ottoman Empire and subjugated the Armenians once again. It was not until 1991, after the breakup of the Soviet Union, that independence was restored and the Republic of Armenia was born.

I salute the Armenian people for their strength and courage. Yet even though they have gained independence, their struggle still continues. To this day, many people continue to refute the facts of the Armenian Genocide. We cannot let the suffering inflicted upon the armenian people be forgotten or denied. Only through remembrance can we prevent ourselves from repeating the horrors of the past.

The Armenian tragedy is the world's tragedy, and we must work together to discourage prejudice, to end discrimination, and to prevent genocide at all costs. In a country where we so often take our liberty for granted, we must renew our commitment to preserving the freedom of others.●

CARLSBAD CAVERNS NATIONAL PARK

● Mr. BINGAMAN. Mr. President, in December 1994, Congress received the National Cave and Karst Research Institute study from the National Park Service. The report studied the feasibility of creating a National Cave and Karst Research Institute in the vicinity of Carlsbad Caverns National Park, NM, as directed by Public Law 101–578. Today, I am here to introduce a bill which follows the guidelines of that report and which will establish the National Cave and Karst Research Institute in Carlsbad, NM.

While other Nations have recognized the importance of cave resource management information and have sponsored cave and karst research, the United States has failed, until recently, to appreciate or work to understand cave and karst systems and their importance. As we approach the 21st century, the protection and management of our water resources has been identified as one of the major issues facing the world. In America, the majority of the Nation's fresh water is ground water—of which 25 percent is located in cave and karst regions.

Recent studies have also indicated that caves contain valuable information related to global climate change, waste disposal, ground water supply and contamination, petroleum recovery, and biomedical investigations. Caves provide a unique understanding of the historic events of humankind. Further they are considered sacred and have religious significance for American Indians and other Native Americans.

According to the Federal Cave Resources Protection Act, karst is defined as a landform characterized by sinkholes, caves, dry valleys, fluted rocks, enclosed depressions, underground streamways and spring resurgences. As a whole, 20 percent of the United States is karst. In fact, east of central Oklahoma, 40 percent of the country is karst. Our National Park System manages 58 units with caves and karst features, yet academic programs on these systems are virtually nonexistent. Most research is conducted with little or no funding and the resulting data is scattered and often hard to locate. The few cave and karst organizations and programs which do exist, have substantially different missions, locations and funding sources and there is no centralized program to analyze data or determine future research needs.

In 1988 Congress directed the Secretaries of the Interior and Agriculture to provide an inventory of caves on Federal lands and to provide for the management and dissemination of information about the caves. That directive has served only to make Federal land management agencies more aware of the need for a cave research program and a repository for cave and karst resources. In 1990, Congress further directed the Secretary of the Interior, through the Director of the National Park Service, to establish and administer a Cave Research Program and prepare a proposal for Congress on the feasibility of a centralized National Cave and Karst Research Institute.

The National Cave and Karst Research Institute Study Report to Congress was released in December 1994 and not only supports establishing the Institute, but lists several serious threats to continued uninformed management practices.

Threats such as: alterations in the surface water flow patterns in karst regions, alterations in or pollution of water infiltration routes, inappropriately placed toxic waste repositories and poorly managed or designed sewage systems and landfiles. The findings of the report conclude that it is only through a better understanding of cave

resources that we can prevent detrimental impacts to America's natural resources and cave ecosystems.

The goals of the National Cave and Karst Research Institute, as outlined in the report, would be to further the science of speleology, to centralize speleological information, to further interdisciplinary cooperation in cave and karst research programs, and to promote environmentally sound, sustainable resource management practices. These goals would work hand in hand with the proposed objectives of the Institute to establish a comprehensive cave and karst library and information data base, to sponsor national and international cave and karst symposiums, to develop long term research studies, to produce cave-related educational publications and to develop cooperative agreements with all Federal agencies having cave management responsibilities.

The vicinity of Carlsbad Caverns National Park is ideal due to the community support which already exists for the establishment of the institute and the diverse cave and karst resources which are found throughout the region.

Carlsbad, NM, has grown from a small railroad stop on what is now the Santa Fe Railroad to a growing city with a population of over 170,000 in the tri-county area. It continues to attract new businesses, small manufacturers, retirees and research facilities, including the U.S. Department of Energy's Carlsbad area office. In addition, Carlsbad Caverns National Park attracts over 700,000 visitors per year.

The National Cave and Karst Research Institute would be jointly administered by the National Park Service and another public or private agency, organization, or institution as determined by the Secretary. The Carlsbad Department of Development [CDOD], after reviewing the National Cave and Karst Research Institute study report, has developed proposals to obtain financial support from available and supportive organizational resources, including personnel, facilities, equipment and volunteers. They further believe that they can obtain serious financial support from the private sector and would seek a matching grant from the State of New Mexico equal to the available Federal funds.

Carlsbad already has in place many of the needed cooperative institutions, facilities and volunteers that will work toward the success of the National Cave and Karst Institute. I strongly urge my colleagues to support this legislation to increase our understanding of cave and karst systems.●

ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. D'AMATO. Mr. President, I rise to call my colleagues' attention to the solemn anniversary of the Armenian genocide. In 1915, the Ottoman Turkish Government launched an extermination campaign against all Armenians on its territory. The result of that gruesome policy was the death of about 1.5 million people, the destruction of a once flourishing community, and the scattering of the survivors around the globe.

Many Armenians came to America, where they have rebuilt their communities, prospered and become a vital part of the American body politic. They have nurtured our democracy, while maintaining their traditions and always remembering the circumstances that forced them from their homeland. Meanwhile, their brothers and sisters in Armenia endured communism and Joseph Stalin, but despite the different fates of these two communities, they remained stubbornly and proudly Armenian, even when contact between them was difficult.

In 1991, Armenia became an independent country and has worked hard to consolidate its independence since then. Today Armenia is a respected member of the international community, its progress toward democratization and economic well-being promoted by the worldwide Armenian Diaspora and by supportive governments, especially the United States.

Independence confers freedom, but not necessarily freedom from hardship. Apart from the devastating December 1988 earthquake, Armenia has also endured the consequences of the Nagorno-Karabakh conflict and the adversities caused by blockades imposed by neighboring Azerbaijan and Turkey. Happily, the Nagorno-Karabakh cease-fire has held since May 1994, offering grounds to hope that the conflict will be peacefully resolved in the foreseeable future. All the parties to this dispute must pursue its peaceful resolution through the OSCE process, and with active American involvement, bring about a lasting, stable peace.

In the spirit of reconciliation and looking ahead to Armenia's future, President Ter-Petrossyan said in Washington last year that ''Armenia has no enemies.'' All of us who are friends of Armenia are working for precisely that future, for an Armenia without enemies, while remembering the victims of the Armenian Genocide.

Mr. President, in light of the fact that, for the first time since World War II, there are international tribunals investigating two current genocides, one in Bosnia and one in Rwanda, it is very important that all of us remember the first genocide of the 20th century, and dedicate ourselves to the proposition that there will be no new genocides in the future.●

81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Ms. MIKULSKI. Mr President, 81 years ago today one of the most horrific events of our century began. On this day in 1915, hundreds of Armenian political and religious leaders were arrested, taken to the Turkish interior, and executed. This began a terrible chapter of history—the Armenian genocide.

In the 8 years that followed, over a million Armenians were killed at the hands of the Ottoman authorities. Men, women, and children were brutally taken from their homes to be abused and killed in mass slayings. Others were rounded-up and marched for weeks through the Syrian desert where many more perished. Symbols of culture—churches, libraries, and towns—were razed.

On this, the 81st anniversary of the Armenian genocide, we must remember and we must speak out.

Many call this tragedy ''the forgotten genocide''. In our world of terror and continued upheaval it is essential that we never forget. We must remember our history and the lesson of the Armenian genocide. As Americans blessed with security and freedom, we must never let oppression and persecution pass without loud condemnation. By remembering the Armenian genocide, we renew our ongoing commitment to fight for human dignity and freedom throughout the world.

We must also honor the Armenians throughout the world who left their homes in tragedy. They have maintained their proud culture and traditions throughout the world. Their strength and perseverance is a triumph of the human spirit. We should specifically recognize those Armenians who fled from their homes and into our communities. Today we thank them for their invaluable contributions to our society.

Even today, the Armenian people are living under a unfair and unjust blockade preventing needed humanitarian aid. Last year, the Congress enacted the Humanitarian Aid Corridor Act that would prohibit U.S. aid to countries that prevent our humanitarian aid from reaching places in need. I was proud to support this act and see it signed into law.

Despite a long history of pain, persecution, and tragedy, the Armenian people have shown remarkable strength, pride, and resilience. We as Americans are proud of their contributions to our society. We will always remember their tragedy and we salute their achievements.●

HONORING THE VOLUNTEERS OF HOSPICE CARE, INC.

● Mr. LIEBERMAN. Mr. President, today I would like to recognize the volunteers of Hospice Care, Inc. in southwestern Fairfield County, CT. For 15 years Hospice Care has provided care and comfort to people with terminal illnesses. But beyond providing palliative care, Hospice is a program for individuals who are dealing with the emotional and spiritual changes that follow the diagnosis of a life-ending illness.

Hospice could not offer its many meaningful services without its volunteers; they are an integral part of Hospice. Together with professional staff,

volunteers work to relieve the physical, emotional and spiritual pain experienced by the patient and family. Volunteers provide direct patient and family services, including companionship and support, transportation, assistance with chores and errands, and pastoral and bereavement care. Volunteers visit patients and families in their homes and hospitals, nursing homes, homeless shelters, and residences for people with AIDS. These volunteers offer a listening ear and a shoulder to lean on during a family's most challenging times.

Other volunteers work behind the scenes, serving on the Board of Directors, assisting in fundraising and public education efforts, and with administrative tasks. In 1994, 100 active volunteers donated more than 12,000 hours of public service, valued at over $250,000. But one cannot put a price tag on this dedicated service—these efforts are priceless, and Hospice could not operate as successfully as it does without its volunteers.

It is with great pride and pleasure that I commend the volunteers of Hospice Care for their many hours of difficult and dedicated service.●

ARMENIAN GENOCIDE

Mr. SARBANES. Mr. President, I rise to join my colleagues in commemorating the 81 years since the tragedy of the Armenian genocide unfolded. Today we pause to remember the victims of this great tragedy and to pay our respects to the survivors.

Indeed it is important that we take this occasion to educate ourselves about the events that constituted the Armenian genocide, and to resolve never to remain indifferent in the face of such assaults on humanity. Respect for the memories of the Armenians who were martyred in this great tragedy demands that humanity never forget this day. It also represents an opportunity for people of goodwill to honestly confront the past and move to genuine reconciliation.

We are also pleased that after centuries of oppression, the Armenian people are again now free and independent. The Republic of Armenia is proof that the Armenian spirit is alive and vibrant and, despite enormous outside pressures, is making progress and flourishing. As Armenia struggles to reenter the society of nations, it is instructive for us to recognize the sacrifices of the victims of the genocide.

The anniversary of this tragedy holds special meaning to Armenians everywhere and, in spite of a history of many hardships, difficulties and adversity faced by the Armenian people, the community has strengthened its resolve to survive and prosper. Armenian-Americans are one of the best examples of an indomitable human spirit. The contribution of the Armenian community to the cultural, social, economic, and political landscape of America is a source of great strength and vitality in our Nation. Americans of Armenian origin have kept alive, and not let tragedy shatter, the rich faith and traditions of Armenian civilization.

As we recall the Armenian genocide, it is important to recognize that it was the culmination of an abhorrent pattern of persecution against the Armenian community living in the Ottoman Empire. During the period 1894–1896, and again in 1909, tens of thousands of Armenians lost their lives. On April 24, 1915, 300 Armenian intellectuals, religious and political leaders, and professionals were rounded up by Ottoman authorities and taken to remote parts of Anatolia from where they never returned. At least 250,000 Armenians who loyally served in the Ottoman army were expelled and forced into labor battalions where executions and starvation were common. Men, women, and children were deported from their villages and obliged to march for weeks in the Syrian desert where a majority of them lost their lives.

The unfortunate campaign against this community earlier in this century resulted in widespread deportations and death. More than 1.5 million innocent men, women, and children, out of a total of 2.5 million Armenians living within the Ottoman Empire, lost their lives. Entire families were destroyed, and thousands of survivors were scattered around the world. In fact, contemporaneous newspaper accounts in the United States describing these atrocities inspired Americans to contribute $113 million in humanitarian assistance from 1915 to 1930 to help the survivors. Americans eventually adopted 132,000 Armenian orphans into this country.

One of the most prominent and reliable accounts of the Armenian genocide is provided by the distinguished United States ambassador to the Ottoman Empire at the time, Henry Morgenthau. In an article published in the Red Cross magazine in 1918, Morgenthau described the wide-scale and systematic attempts by the Ottomans to crush the Armenian community as, ''the Greatest Horror in History.'' Abram Elkus, Morgenthau's successor, also cabled the State Department that the Young Turks policy against the Armenians was an ''unchecked policy of extermination through starvation, exhaustion, and brutality of treatment hardly surpassed even in Turkish history.''

Both the German and Austrian ambassadors, apprehensive about the attacks against the Armenians, conveyed their concerns directly to the Ottoman leadership. In July of 1915, Hans Von Wangenheim, the German Ambassador to the Ottomans, advised his own government to distance itself from the Ottoman leadership for what he viewed as a campaign to rid ''the Armenian race in the Turkish empire.''

Extensive evidence, documentation, and first hand accounts have been collected over the years regarding this dark period, much of which is held in our own National Archives. In 1987, it was fitting that the Holocaust Council expressed its support for making the Armenian genocide part of the permanent exhibits at the United States Holocaust Memorial Museum. In its statement, the council declared that ''the fate of the Armenians should be included in any discussion of genocide in the twentieth century.''

Several years ago, Elie Wiesel spoke at a Holocaust memorial service here in the Congress and expressed the importance of recognizing the Armenian genocide. He stated, ''Before the planning of the final solution, Hitler asked, ''Who remembers the Armenians?'' He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.''

Mr. President, we must never forget the moral lesson of the Armenian genocide and honor it by renewing our commitment to human rights and democratic principles.

COMMEMORATING THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. PELL. Mr. President, each year on this day, we solemnly join Armenians worldwide in observing the anniversary of the genocide perpetrated against the Armenian people between 1915 and 1923.

Eighty-one years ago today, Ottoman leaders launched a systematic campaign to eradicate the Armenian people from Ottoman Empire territory. In that year, hundreds of Armenian religious, political, and intellectual leaders were rounded up and exiled, or murdered. During the next 8 years, an estimated 1.5 million Armenians were executed. Many were raped, tortured, or enslaved. In addition to those killed, an estimated 500,000 Armenians were exiled from the Ottoman Empire. Many of those exiles found their way to freedom in the United States where they and their descendants have made—and are continuing to make—a significant contribution to the cultural, political, and commercial life of this country.

Despite the many challenges they have faced over the years, the Armenian people have demonstrated a high degree of independence, resilience, and national pride. I believe the anniversary of the genocide offers an opportunity to reflect upon the challenges Armenia is facing today. In particular, Armenia continues to struggle under blockades by its neighbors, and as a result, it continues to depend heavily on humanitarian assistance. I would note that the United States has responded to Armenia's plight. Armenia receives more assistance per capita than any other Newly Independent State. I know we all look forward to the day when Armenia—a country of great human resources—will be a donor, rather than a recipient of assistance.

In fact, despite the blockades, Armenia has made significant economic

progress during the past year. Its currency has stabilized, inflation has decreased, and the economy showed a positive growth rate. Armenia is also working hard to enact the necessary legal and regulatory framework for true reform to take root.

Regrettably, a lasting diplomatic settlement to the Nagorno-Karabagh crisis also remains elusive. I hope that the memory of the Armenian genocide, as well as the continuing of the suffering of the Armenian and Azeri peoples, will spur a peaceful resolution to the dispute.

There are, in fact, some hopeful signs. For the past 2-years, a cease-fire has held in Nagorno-Karabagh. Over the weekend, President Ter Petrosian of Armenia and President Aliyev of Azerbaijan issued a joint communique agreeing that direct dialog between the parties must be intensified to facilitate an end to the conflict.

Armenia is continuing to talk with its neighbors not only about how to resolve the Nagorno-Karabagh conflict, but about the importance of economic development of the region. In fact, just this week in Luxembourg, the leaders of Armenia, Azerbaijan, and Georgia each signed bilateral cooperation agreements with the European Union.

I would note that Armenia is also engaging in a dialog with Turkey about a range of bilateral and regional issues. This is a courageous, and very practical, decision. Both countries acknowledge that it is in their interest to talk, and I believe that we should do what we can to encourage such discussions between Yerevan and Ankara.

Sadly, the legacy of the Armenian genocide has not succeeded in deterring subsequent acts of genocide in other parts of the world nor did it represent an end to the suffering of the Armenian people. However, it is only by continuing to remember and discuss the horrors which befell the Armenian and other peoples that we can hope to achieve a world where genocide is finally relegated to the realm of history books, rather the newspaper headlines.

I hope my colleagues and leaders throughout the world will join me in commemorating the anniversary today, and thus ensure that the tragedy of the Armenian genocide will not be forgotten.●

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mrs. FEINSTEIN. Mr. President, today, April 24, marks the 81st anniversary of the beginning of the Armenian genocide. I rise today to acknowledge and commemorate this terrible chapter in our history, to help ensure that it will never be forgotten.

Eighty-one years ago today, one of the darkest chapters in human history began. On that day, Ottoman authorities began arresting Armenian political and religious leaders throughout Anatolia. Over the ensuing months and years, some 1.5 million Armenians were killed at the hands of the Ottoman authorities, and hundreds of thousands more were exiled from their homes.

On this 81st anniversary of the Armenian genocide, let us renew our commitment never to forget the horror and barbarism of this event. We must remember, we must speak out, and we must teach the next generation about the systematic persecution and murder of millions of Armenians by the Ottoman Government. I know that I am joined by every one of my colleagues, by the Armenian American community, and by people across the United States in commemorating the genocide and paying tribute to the victims of this crime against humanity.

As Americans, we are blessed with freedom and security, but that blessing brings with it an important responsibility. We must never allow oppression and persecution to pass without condemnation. By commemorating the Armenian genocide, we renew our commitment always to fight for human dignity and freedom, and we send out a message that the world can never allow genocide to be perpetrated again.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all across the world have clung to their identity and have prospered in new communities. My State of California is fortunate to be home to a community of Armenian-Americans a half a million strong. They are a strong and vibrant community whose members participate in every aspect of civic life, and California is the richer for their presence.

The strength and perseverance of the Armenian people is a triumph of the human spirit, which refuses to cede victory to evil. The best retort to the perpetrators of oppression and destruction is rebirth, renewal, and rebuilding. Armenians throughout the world have done just that, and today they do it in their homeland as well. A free and independent Armenia stands today as a living monument to the resilience of a people. I am proud that the United States, through our friendship and assistance, is contributing to the rebuilding and renewal of Armenia.

Let us never forget the victims of the Armenian genocide; let their deaths not be in vain. We must remember their tragedy to ensure that such crimes can never be repeated. And as we remember Armenia's dark past, we can take some consolation in the knowledge that its future is bright with possibility.●

GENOCIDE REMEMBERED

● Mr. MOYNIHAN. Mr. President, I rise today to mark the 81st anniversary of the Armenian genocide that took place during the final years of the Ottoman Empire. From 1915 to 1923, some 1,500,000 persons of Armenian ancestry are reported to have died at the hands of their Ottoman rulers, through a deliberate policy of deportation, confiscation of property, slave labor, and murder.

Although we now recognize this policy as genocide, no such word existed at the time of its commission. The American Ambassador to the Sublime Porte, New Yorker Henry Morgenthau, described the Ottoman atrocities as a ''campaign of race extermination.'' A chilling prologue, if you will, to the twentieth century.

The word ''genocide'' comes from the Greek genos (clan or breed) and the Latin caedere (to kill). It was coined in 1944 by Raphael Lemkin, a Polish Jew who emigrated to the United States in 1941.

In the early 1930's, after studying the slaughter of the Armenians, Lemkin began a campaign to outlaw the crime now known as genocide. He took his case before the Legal Council of the League of Nations in 1933 but the learned jurists would not heed him. Finally—after the Nazi Holocaust shook the conscience of the world—the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948. The first human rights treaty of the new world body was finally ratified by the United States in 1988. Raphael Lemkin's legacy.

During the Days of Remembrance Commemoration in 1981, Elie Wiesel stated:

> Before the planning of the Final Solution, Hitler asked, ''Who remembers the Armenians?'' He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.

Mr. President, today the United States Senate pauses to remember the Armenian victims of genocide. But remembrance alone is not enough. Remembrance must be the first step toward justice and, ultimately, toward prevention of future atrocities.

On December 13, 1995, the Senate adopted Senate Joint Resolution 44, concerning the deployment of United States Armed Forces in Bosnia and Herzegovina. The resolution affirmed that the population of Bosnia and Herzegovina had ''suffered egregious violations of the international law of war including * * * the Convention on the Prevention and Punishment of the Crime of Genocide.'' To redress and punish these crimes, the United Nations established the International Criminal Tribunal for the Former Yugoslavia. The United States must continue to support the work of the Tribunal and insist on cooperation with the Tribunal as mandated by the Dayton Accords.

The horrors of this century—beginning with the Armenian genocide—gave birth to a new vocabulary of inhumanity. As this genocidal century draws to a close, let us remember these events, mourn the victims, and strengthen our resolve that such outrages never again be perpetrated against the human race.

I thank the Chair and I ask that the text of Ambassador Henry

Morgenthau's telegram of July 16, 1915, and the 'genocide' entry in the Fontana Dictionary of Modern Thought be printed in the RECORD.●

The text follows:

[Telegram received from Constantinople, July 16, 1915]

Secretary of State,
Washington.

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.

Protests as well as threats are unavailing and probably incite the Ottoman government to more drastic measures as they are determined to disclaim responsibility for their absolute disregard of capitulations and I believe nothing short of actual force which obviously United States are not in a position to exert would adequately meet the situation. Suggest you inform belligerent nations and mission boards of this.

American Ambassador, Constantinople.

THE FONTANA DICTIONARY OF MODERN THOUGHT

[Edited by Alan Bullock and Oliver Stallybrass]

[New and revised edition by Alan Bullock and Stephen Trombley assisted by Bruce Eadie]

GENOCIDE.

Term coined by American jurist Raphael Lemkin in 1944 to denote the physical destruction of a national, racial or ethnic population. The term was included in the indictment at Nuremberg of German war criminals accused of involvement in Nazi attempts to exterminate the Jewish population of Europe. It acquired still wider currency in a United Nations Resolution of 11 December 1946 and UN Convention of 9 December 1948 which sought to make genocide a crime under international law. Details of the UN definition of the term are contested, for example by radical critics of colonialism who view as genocide the destruction of the social fabric of a colonized people, but it remains the most widely accepted definition.

Bibl: L. Kuper, Genocide (Harmondsworth and New York, 1981).

UNITED STATES MUST SUPPORT A SOVEREIGN LEBANON

● Mr. ABRAHAM. Mr. President, I rise today to express my strong support for the sovereignty, independence, and territorial integrity of the country of Lebanon. As you know, Mr. President, Lebanon has again been the most recent victim of the fighting in the Middle East. The hostilities of last week which continue today have caused a great loss of Lebanese lives.

The United States has always supported the independence and territorial integrity of Lebanon. However, in the most recent negotiations to end the fighting in the region, the U.S. administration has been focusing its efforts on Syria and Israel.

I believe that the State Department is sincere in upholding it support for the sovereignty of Lebanon. But I am afraid that the United States views a resolution to the Israel-Syria conflict as the only priority—and the consequence is the plight of the civilian population in Lebanon is ignored. It is Lebanon that is suffering the most in this conflict, and it is with that country which the United States should focus its immediate attention.

The influence and support of the United States is critical to giving Lebanon the help it needs to move forward and rebuild after two decades of civil war.

As its stands, the presence of all foreign forces in Lebanon irritates the situation, making it difficult for the Lebanese to find a peaceful solution to their quest for independence and sovereignty. Only until there is the withdrawal of all foreign forces from Lebanon, combined with a diplomatic solution, will peace in the Middle East be achievable.

I believe that Lebanon will than be on its way to returning to the independent, sovereign and unoccupied land that it once was—free of all non-Lebanese forces. Not only will this advance the case of Middle East peace in the region, but it will also be in America's best interest to have its friend, Lebanon, stable once more.

Today, President Clinton is meeting with President Elias Hrawi of Lebanon. It is my hope that the territorial integrity, sovereignty and independence of Lebanon is the subject of much discussion. President Clinton will also be announcing a humanitarian aid package for Lebanon, and I was pleased to lead the efforts in the Senate to insist upon this assistance for the innocent civilians of Lebanon.

But the humanitarian assistance is only one part of the equation. I, once again, urge the administration to persist in trying to negotiate a cease fire in this region and to bring an end to the hostility immediately.●

THE 81ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. GLENN. Mr. President, once again I rise to join my colleagues, and Armenian Americans in Ohio and across the Nation, to remember the Armenian genocide of 1915–1923. Over this period the Armenian population of the Ottoman Empire was systematically destroyed. Some were killed, others left to die of deprivation, still others uprooted and expelled from their homeland. In the end, some 1.5 million Armenians perished and another 0.5 million were displaced.

Evidence of the Armenian genocide is available from a number of sources, among the most compelling is the reporting of our own United States Ambassador to the Ottoman Empire, Henry Morgenthau. In a cable to the Secretary of State, Ambassador Morgenthau wrote: ''Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in process under a pretext of reprisal against rebellion.''

Some may ask why it is important to take time each year to commemorate an event which occurred over half a century ago. In reply I would recall the reported observation of Adolph Hitler as he contemplated the ''final solution''—''Who remembers the Armenians?''

Today we remember the 1½-million victims of the Armenian genocide. Undeniably it is not comfortable to repeatedly revisit this tragedy, or to visit the Holocaust Memorial Museum, or to have contemporary atrocities played out nightly on our television screens, as in Bosnia or Rwanda. But we remember today, we did last year and the year before, so that we will not become complacent about or indifferent to any example of man's inhumanity to man, wherever and whenever it may occur. For in the words of Edmund Burke, ''the only thing necessary for the triumph of evil is for good men to do nothing.''●

JAMES I. WILLIAMSON, MEDAL OF HONOR WINNER

● Mr. BIDEN. Mr. President, it is sometimes argued these days that we Americans place too high a premium on the value of individual, yet our experience over more than 200 years as a Nation has taught us that it's almost impossible to overestimate the value of some individual citizens to our community and our country. James I. Williamson of Harrington, DE, who died on Monday of this week at the age of 66, was one of those invaluable individuals without whom the character and history of America would be very different.

During his distinguished 21-year career in the U.S. Army, from which he retired in 1969 as a staff sergeant, James Williamson won many decorations, including the Purple Heart, the Bronze Star and the Silver Star. In 1968, during the last of his three tours of duty in Vietnam, he won the rarely awarded Congressional Medal of Honor for extraordinary, individual valor in combat.

Of the millions of men and women who have served in our military since the award was first conferred during the Civil War, Mr. President, fewer than 3,500 have received the Congressional Medal for voluntary action above and beyond the call of duty, at the risk of the recipient's own life—and the high standard of admission to that elite group of heroes is indicated by the fact that the majority of Congressional Medals have been awarded posthumously.

Sergeant Williamson survived the action that earned him our highest military decoration, but it was his willingness to risk his own life that saved the lives of comrades in arms engaged in that action with him. Alone and armed with a machinegun, he rescued the crew of a mechanized weapons carrier that had taken a disabling direct hit. Remaining exposed to enemy fire, he attached a towing cable so the vehicle and its crew could be pulled to safety.

Despite the controversy that surrounded our involvement in the Vietnamese war, Mr. President, it was a proud nation which presented Mr. Williamson with the Congressional Medal of Honor, because of his enormous personal courage, because of his willingness to risk sacrificing his own life in the service of others, and because neither our military nor our Nation can afford to allow such outstanding individual contributions to go unrecognized.

James I. Williamson was not ''the one-in-a-million'' exception we sometimes refer to; he was the truly exceptional ''one-in-fewer-than-3,500'' who displayed the American character at its best and whose actions made clear why our most precious decoration is dedicated to honor—his own and his country's. His family, his community of Harrington, and his State of Delaware will remember him with pride for his extraordinary individual achievement and with humility in the face of his unselfish bravery.●

DAVID L. FORD

● Mr. LEVIN. Mr. President, I rise today to honor one of the remarkable individuals we lost on April 3, 1996, in the plane crash in Croatia which took the life of Commerce Secretary Ron Brown and many other fine Americans. David L. Ford, CEO of InterGuard Corp., a subsidiary of Guardian Industries, headquartered in Auburn Hills, MI, was on that flight to donate 23 metric tons of flat glass to Sarajevo, enough to produce 8,000 windows for the reconstruction of a hospital that was damaged in the war.

When David was first given the opportunity to travel to Bosnia, he thought of how he could best help the city of Sarajevo. He decided that he would help the city recover from the constant shelling of the past 3 years. David was very excited about being able to help the people of Sarajevo. Though he was unable to see his plan fulfilled, his wish was honored when the glass was later delivered by the U.S. Embassy. A plaque commemorating the efforts of David Ford to rebuild Bosnia will be displayed in front of the hospital in Sarajevo.

David worked for Guardian for over 25 years. He was the driving force in opening the European market for the company, which now operates four plants across Europe. He was a diligent and dedicated worker. He was also a deep thinker who was a student of foreign cultures. He traveled extensively in European countries and studied their cultures.

David was a dedicated family man. His wife, Debra Ann Ford, and their children, Kathryn and Douglas, will remember him as a person who brought much happiness into their lives. He was an involved parent who would often accompany his children to school. He recently took a class on a trip to Israel, imparting his knowledge of the world to the children.

David was a man who was very committed to his faith. David was a born-again Christian and a member of Christian Community Church. He was very involved in his community and was the leader of the youth group Teen Section. David has said that, ''to be born again means a new beginning, it means change—a new direction.'' David had this faith in a new direction for Bosnia and the world.

David's own words best show how he viewed his life. ''Yes, I had to change. That meant I had to sacrifice some things—the changes are not a list of things to do or not to do. The changes are in your heart. We cannot make these changes alone, by ourselves. God sends us a helper to be with us.'' The people of Sarajevo were indeed sent such a helper in David Ford.

I know that my Senate colleagues join me in honoring the life of David L. Ford. ●

THE 205TH ANNIVERSARY OF POLAND'S CONSTITUTION

● Mr. D'AMATO. Mr. President. I rise today in support of Senate Joint Resolution 51, a resolution to commemorate the 205th anniversary of Poland's constitution. This resolution was introduced by my good friend, the distinguished Republican leader and senior Senator from Kansas, BOB DOLE. The purpose of the resolution is to salute and congratulate Polish people around the world, including Americans of Polish descent, as on May 3, 1996 they commemorate the 205th anniversary of the first Polish constitution, to recognize the rebirth of Poland as a free and independent nation in the spirt of the 1791 constitution, and to urge the people and state and local governments of the United States to observe this anniversary with appropriate ceremonies and activities.

The Polish constitution of 1791 is closely related to our own constitution, because it was heavily influenced by a Polish hero of the American Revolution, General Thaddeus Kosciuszko, who returned to his native land after the war, carrying with him the concepts we fought to establish and preserve in the revolution. While Poland enjoyed this new constitution for less than 2 years, it established principles and ideals that still live in modern Poland.

Polish people have made major contributions to the United States in all fields of endeavor. The first manufacturing facility in America was established by a Pole in Jamestown, VA. The first institution of higher learning in New Amsterdam was established by Dr. Alexander Kurcyusz. In addition to General Kosciuszko, another famous Pole, Count Casimir Pulaski, aided our fight for independence from Great Britain. He is known as the ''Father of the American Cavalry'' because General Washington put him in charge of developing and leading that arm in the war. He had a brilliant career in the Continental Army. Unfortunately, he was mortally wounded in the siege of Savannah and later buried at sea.

More modern Polish-Americans who made notable contributions range from Arthur Rubenstein to Stan Musial and Leon Jawarski. In every field, Polish-Americans worked hard to make America what it is today.

New York is home to a great many Americans of Polish descent. Almost 1.2 million New Yorkers claim a Polish heritage. According to the Census Bureau, about 17 percent of all U.S. residents who speak Polish at home live in New York.

I am confident that our adoption of this resolution will be met with appreciation and that May 3 will be a date that will be met with appropriate celebration in the Polish-American community. I again express my strong support for this resolution and I urge my colleagues to vote for it.●

THE 81ST ANNIVERSARY OF ARMENIAN GENOCIDE

● Mr. LEVIN. Mr. President, George Santayana wrote that ''those who cannot remember the past are condemned to repeat it.'' We have an obligation, just as our forebears had, to teach following generations what occurred in the world before they were born. It is this passing of information from generation to generation that weaves the fabric of our collective history and serves as a guide for the future. We can never change the facts of history, but we can work to make sure that injustices are not repeated out of ignorance of those facts. It is only through the constant and vigilant education of our children and each other that we can hope to end man's inhumanity to man.

When Adolf Hitler was planning the Jewish Holocaust he said, ''Who today remembers the extermination of the Armenians?'' I am here today to bear witness to the fact that we do remember the Armenians who fell prey to genocide and we will continue to work to spread that knowledge so that similar events never again occur.

Today, April 24, 1996, we commemorate the 81st anniversary of the 1915–1923 genocide of the Armenian people. In a world that sometimes seems to have gone mad with random violent acts, we must remember the victims of a government organized terror, the genocide perpetrated by the Turkish Ottoman Empire against the Armenian people.

Eighty-one years ago this week, the 8-year-long savagery against the Armenian people began. Each year we remember and honor the victims and pay respect to the survivors we still are blessed to have in our midst. We vow to remember, to always remember, the attempt to eliminate the Armenian people from the face of the Earth, not for what they had done as individuals, but because of who they were.

For the most part, nations did not learn from history—the world looked

away during the Armenian genocide and those horrors later revisited the planet. As Elie Wiesel said, the Armenians ''felt expelled from history.'' So the genocide we remember each April, the century's first genocide—is the genocide the world forgot, to its shame, and for which it paid dearly.

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. We make this solemn vow because we believe that it is within our power to confront evil in the world, and to prevent genocidal attacks on people because of who they are. That is surely the highest tribute we can pay to the Armenian victims and how the horror and brutality of their deaths can be given redeeming meaning. ●

HONORING THE WALTMANS ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data is undeniable: individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''til death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Lelslie and Isabella Waltman of West Plains, MO, who on March 28, will celebrate their 50th wedding anniversary. They understand the meaning of the word ''covenant.'' My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Waltmans' commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.●

MEASURE READ THE FIRST TIME—H.R. 2937

Mr. SIMPSON. Mr. President, I inquire of the Chair if H.R. 2937 has arrived from the House of Representatives.

The PRESIDING OFFICER. The bill has arrived, and it is at the desk.

Mr. SIMPSON. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorneys' fees and costs incurred by former employees of the White House travel office with respect to the termination of their employment in that office on May 19, 1993.

Mr. SIMPSON. I now ask for its second reading.

Mr. SIMON. I object.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 1698

Mr. SIMPSON. Mr. President, I inquire of the Chair if S. 1698 is at the desk.

The PRESIDING OFFICER. S. 1698 is at the desk.

Mr. SIMPSON. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1698) entitled the Health Insurance Reform Act of 1996.

Mr. SIMPSON. Mr. President, I ask for the second reading and object on behalf of the Republican leader.

The PRESIDING OFFICER. Objection is heard.

Mr. SIMON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

AMENDING THE HIGHER EDUCATION ACT OF 1965

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3055 just received from the House.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3055) to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, and the motion to reconsider be laid on the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 3055) was deemed read the third time, and passed.

MEASURE INDEFINITELY POSTPONED—S. 1298

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1298, a bill to authorize documentation of the vessel, Shooter, and that the measure then be indefinitely postponed.

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

ORDERS FOR THURSDAY, APRIL 25, 1996

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 8:30 a.m. on Thursday, April 25; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and that there then be a period for morning business until the hour of 10 a.m., with Senators to speak therein for up to 5 minutes each, except for the following: Senators CHAFEE or BREAUX for up to 60 minutes total; Senator DODD for up to 15 minutes; Senator MURKOWSKI for up to 5 minutes; Senator STEVENS for up to 5 minutes; Senator BRYAN for up to 10 minutes.

I further ask that at the hour of 10 a.m. the Senate resume consideration of S. 1664, the immigration bill, and at that time Senator SIMPSON be recognized to offer the next two amendments to the immigration bill.

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

PROGRAM

Mr. SIMPSON. For the information of all Senators, Mr. President, the Senate will resume the immigration bill and the pending amendments tomorrow morning. Senators can expect rollcall votes throughout the day on the immigration bill. We hope to complete action on that measure on Thursday.

It is also anticipated that the omnibus appropriations conference report will be available for consideration during tomorrow's session. Therefore, action on that legislation is also expected.

The Senate may also be asked to turn to any other legislative items that can be cleared for action.

Mr. President, let me thank my colleague from Illinois for his cooperation and willingness to come to the floor this evening and interrupt his evening to see if we can proceed with other business. I am most appreciative. We will try to complete our work tomorrow. I hope we can do that—certainly Friday morning. Hopefully, we can avoid that.

But I want to thank the staff, the people that make it possible for us to function in this remarkable arena on both sides of the aisle—here at the desks on the both sides of the aisle. These people I have come to know so well we cannot function without. This has been a remarkable day, and the Parliamentarian must be dealing with some kind of a gumball by now. It has more cords and knots in it than we could ever untangle. So we will just keep it there, if we can.

But I want to thank the Senator from Illinois, and thank these remarkable people who patiently watch us grapple with the issues of the day.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. SIMPSON. Mr. President, if there is no further business—unless my colleague from Illinois would care to make remarks—to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:05 p.m. adjourned until tomorrow, Thursday, April 25, 1996, at 8:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO REV. DONALD W. MORGAN

HON. BARBARA B. KENNELLY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mrs. KENNELLY. Mr. Speaker, I rise today to honor an outstanding individual, Rev. Donald Walker Morgan of Wethersfield, CT; who is retiring as the senior minister of the First Church of Christ in Wethersfield, CT. During his 18-year tenure as the spiritual leader of the historic Wethersfield Church which dates back to 1635. Reverend Morgan has significantly contributed to the growth of the church membership bringing it to over 2,800 members—the largest, fastest growing congregational-UCC Church in New England.

Born in Lexington, MA, Donald Morgan served in World War II as a member of a B–17 Flying Fortress bomber crew. For over 2 years, he was part of the 8th Air Force Division in Great Britain, and flew numerous missions over Germany. He then matriculated at Tufts University in Boston where he received a bachelor of science degree in clinical psychology. Reverend Morgan earned a master of divinity degree from the Union Theological Seminary in New York, and was ordained to the Christian ministry in 1953.

Since 1953, Reverend Morgan has served in churches in Northfield, VT; Litchfield, CT; Rutland, VT; and Lakewood, OH. In June 1978, Reverend Morgan accepted the senior minister position at First Church in Wethersfield, CT. Reverend Morgan brought new vitality and a dynamic vision reaching well beyond the confines of the historic colonial community. He expanded the services of the church by providing new ministries in a myriad of social and religious areas and hired professional staff to handle the administrative affairs of the church.

The Reverend Donald W. Morgan is currently chairman of Churches Uniting in Global Mission, a national movement of pastors and churches and is frequently a featured speaker at the Robert Schuller Institute for Successful Church Leadership. He is the author of ''How To Get It Together When Your World Is Coming Apart,'' published in 1988, and ''Sermons In American History,'' an acclaimed volume which addresses selected issues in the American pulpit from 1630 to the present. Reverend Morgan's ministry and church have been cited in two recent publications ''How To Reach Secular People'' by George Hunter, and ''Good News From Growing Churches'' by Robert Burt.

He is married to the former Alice Grace Gingles of Bowling Green, KY, a graduate of Wellesley College and Union Theological Seminary who had served until recently as the director of Caring Ministries at the First Church in Wethersfield, CT. They have 6 children and 13 grandchildren.

Reverend Donald Morgan is a nationally respected spiritual leader who with dedicated fortitude and vision transformed a colonial era church into one of the most dynamic, energetic religious institutions in New England. Having participated in a service or two at First Church, I can attest to the great works of Reverend Morgan and the impact he has had on the lives of those in his congregation and community. His calling to First Church was fortunate for the church community, the town of Wethersfield, the greater Hartford region and the State of Connecticut.

We recognize his achievements. We have learned from his example. He has touched the lives of many in so many ways. We sincerely extend our wishes of gratitude and wish him the best upon his retirement.

TRIBUTE TO DR. NEAL R. BERTE

HON. SPENCER BACHUS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. BACHUS. Mr. Speaker, Birmingham-Southern College in Birmingham, AL, one of the Nation's top liberal arts colleges, is observing the twentieth anniversary of Dr. Neal R. Berte as its President. Dr. Berte came to Birmingham-Southern on February 1, 1976 from the University of Alabama, where he was the Vice President for Educational Development and the Dean of the New College. Under Dr. Berte's two decades of leadership, Birmingham-Southern College has seen its enrollment more than double, its students' test scores rise to among the highest in the Southeast, its faculty size which includes some of the finest scholars in the country, increase more than 60 percent, its endowment grow from fourteen million dollars to more than eighty-two million dollars, the construction of seven new buildings with more planned, and its graduates accepted to the nation's top medical and law schools at rates far exceeding the national average. These achievements have not gone unnoticed. Respected publications such as U.S. News and World Report, Money, and The Princeton Review consistently name Birmingham-Southern College as one of the country's outstanding liberal arts colleges. Dr. Berte's untiring dedication to education has been recognized by many organizations, including the American Council on Education, which named him one of America's Leaders in Higher Education, and the Council For Advancement and Support of Education, which selected him as one of the 100 Most Effective College Presidents. Dr. Berte is also a respected civic leader in Birmingham who is dedicated to improving the quality of life for his city and state. He is chairman of Leadership Birmingham and the Birmingham Business Leadership Group, which is made up of the chief executive officers of 45 of Birmingham's largest businesses. Dr. Berte has served as chairman of the Birmingham Area Chamber of Commerce, and campaign chairman and president of the United Way of Central Alabama. For his civic and community leadership, he has received many honors, including being named Birmingham's citizen of the year and being inducted into the city's Distinguished Gallery of Honor. Working with Dr. Berte during his 20 years at Birmingham-Southern College is his wife, the First Lady of Birmingham-Southern, Anne Berte, a tireless civic and community leader in her own right. I want to congratulate Neal and Anne Berte on the outstanding job they have done at Birmingham-Southern College during the past 20 years, and I wish them continued happiness and success in the years to come.

TRIBUTE TO CHARLES-RUSSELL'S 25TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. TORRES. Mr. Speaker, on April 28, 1996, Charles-Russell International will gather its 150 employees, well wishers and followers to celebrate 25 years of creative hairstyling and entrepreneurship. The vision toward new trends in hair styling and hair care can be credited to a man arriving on the American scene some three decades ago.

Born in Leicester, England in May 1938, Edward Joseph Russell Breakwell earned his stylist stripes in the hairdressing industry as an apprentice to Steiner's of Mayfair, in London. At 21 years of age he owned his first salon and traveled as a guest lecturer to the United States. Impressed by the country, he moved to the Washington, D.C. area and worked for the Vincent and Vincent chain of salon, eventually acquiring one of them. Later, he entered into a joint venture with another businessman, Charles Morra, and together they established the first Charles-Russell salon on Quaker Lane in Alexandria, VA.

Today, the Charles-Russell enterprise consists of 12 salons throughout the Washington, D.C. metropolitan area. The joint venture between Charles and Russell has contributed greatly to the economic development of the community, including restaurant ownership and a major construction company, C-R Properties.

There is much discussion nowadays about immigrants coming to the United States and the myth that they take from our society and our social safety net. to the contrary, the hard work and contributions of Charles-Russell, has added to the wealth of this country and has translated into careers and the well-being of many families. Russell Breakwell epitomizes this vision and contribution to our society.

Russell Breakwell today, is an American citizen who participates not only in the business arena, but in the civic affairs of his community in Lake Bancroft, VA. He is married to the former Laurie Jones, who along with their 5-year-old child, Charles, reside in Lake Barcroft and the Florida Keys. A source of much pride and father-son kinship 22-year old Alexander Breakwell is following in this father's footsteps as a hairdresser at Charles-Russell.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I ask that my colleagues here assembled join me in saluting Charles-Russell International for its spirit and vitality as a progressive employer. It is fitting that on its 25 anniverary Charles-Russell plans to announce an innovative salary and employee health benefit plan. The company is to be praised for rewarding and motivating hard work and loyalty among its many employees.

DON'T REWRITE HISTORY!

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. BURTON of Indiana. Mr. Speaker, much has been said in the U.S. Congress regarding events in the eastern part of the Ottoman Empire toward the end of World War I. Yet I urge my colleagues to consider all sides and not rush to judgment.

Many of my colleagues condemn Turkey and its predecessor, the Ottoman Empire, for perpetrating genocide against its Christian Armenian population 80 years ago. Genocide is the most heinous of crimes, and before we make such charges, we should be absolutely certain of the facts.

Many of our Nation's renowned historians and academics specializing in Ottoman history tell us that the events in question require more scholarly study. Historical evidence does not justify the genocide charge. While it is not disputed that Armenians died in eastern Anatolia during the period from 1915–1922, over 2 million Turks and other non-Christians also died. Although many died as a result of intercommunal fighting, many more died because of starvation and epidemic disease.

No reasonable person can dispute the unfortunate events in eastern Anatolia some 80 years ago. But do we dare ignore the deaths of 2 million non-Christian people, many at the hands of Armenian revolutionary groups who had allied themselves with Russian forces which were invading Ottoman land for territorial gains?

Ottoman responsibility lies in the Empire's inability to protect its civilian population, Christian and Moslem alike, from threats of wide-scale fighting, famine, and disaster.

There is little to be gained from inflaming past animosities, which are invariably grounded in the complex political and military dynamics of the time. It is far more productive for all parties to look toward the future. Armenia and Turkey would only benefit from improved relations. Turkey was among the first countries to recognize Armenia upon its secession from the Soviet Union. Just after taking office, Turkish Prime Minister Mesut Yilmaz emphasized Turkey's readiness to develop close relations and cooperation with Armenia in every field once the Nagorno-Karbagh conflict is resolved. He also expressed his government's determination and willingness to open the border posts with Armenia once the declaration of principles is reached between Armenia and Azerbaijan regarding the settlement of the conflict. Armenian President Ter Petrosian, while addressing the Association of Armenian Manufacturers and Businessmen last March noted Turkey's importance as an economic partner for his country, referring to Turkey as Armenia's shortest path to the outside world. The U.S. Congress should encourage progress in Turkish-Armenian relations. Any efforts which would hinder these developments inevitably threaten Armenia's economic viability.

Western interests are served through the stabilization of the Caucasus. The Caspian Sea region contains oil and gas reserves second only to the Middle East. A pipeline passing from Azerbaijan through Armenia and Turkey to markets in the West would not only create an important alternative energy source for the West, but also would create necessary conditions for economic growth and development for the region. Commercial cooperation would lead to enhanced relations. By providing economic strength, this pipeline would also ensure the independence of new states, and would help bolster democracy and democratic institutions.

Mr. Speaker, now is the time for all states in the Caucasus, Muslim and Christian, to put their differences behind them and work together for a prosperous future. I urge my colleagues interested in stability in the Caucasus to oppose any efforts to undermine regional cooperation.

TRIBUTE TO RAY LUJAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. UNDERWOOD. Mr. Speaker, on Friday, March 22, 1996, a happy outing at the beach ended in tragedy and grief for a father and his two young sons. The father, a surfing enthusiast, brought along his sons, aged 3 and 5, to Talofofo Bay, one of the most popular surfing spots in my home district, Guam. Since the water was rough that day, many surfers were drawn to the bay. The two boys played at the water's edge while the father challenged the waves on his surfboard.

Sometime after lunch, several people noticed that the two boys were gone. Their father was still surfing, but the boys were nowhere in sight. Word soon spread along the beach that two small boys were missing, and a search began. Police and Fire Rescue were called, and the search widened. At approximately 2 p.m. the 3-year-old was found floating face down in the water. He was unresponsive, but was later revived and transported to the hospital. The search for his older brother continued until nightfall and was resumed at daybreak the next day. The body of the 5-year-old was recovered just before 9 a.m.

As islanders, the people of Guam are particularly sensitive to water-related tragedies such as this, especially when they involve children and youngsters. This incident received considerable media attention from the initial call for help to the discovery of the second little boy's body the next day. News accounts credited an unidentified surfer with the rescue of the first little boy.

I wish to share that surfer's name because he truly is a lifesaver and merits this recognition. Mr. Speaker, Mr. Ray Lujan is well-known within Guam's surfing community, but he is not one to seek publicity for himself or sing his own praises. He much prefers the sun on his back and a good wave under his surfboard. During the many years that he has spent pursuing the waves, Mr. Lujan has witnessed many water-related tragedies. To his credit, many of the near tragedies are just that, because Mr. Lujan got involved. He has rescued swimmers who were swept over the reef. He has pulled drowning swimmers and surfers out of the water and brought them safely back to shore.

In this incident, Mr. Lujan not only discovered the 3-year-old. In a desperate bid to keep death from claiming a victim, he also performed mouth-to-mouth resuscitation on the little boy, even though he has had no prior training. Today, that little boy is alive and well on his way to a full recovery. The Guam Fire Department has since nominated Mr. Lujan for an award recognizing his admirable and selfless contribution to the rescue of this young boy.

Mr. Speaker, I take great pride and pleasure in praising Mr. Ray Lujan and in commending him for being a valuable member of the Guam community. I am confident that Mr. Lujan's humanitarianism will remain forever as deep as his enthusiasm for surfing.

TRIBUTE TO THE WINNERS OF THE STICKNEY POST, AMERICAN LEGION ORATORICAL CONTEST

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to two outstanding young women from Edison School in Stickney, IL, who were the winners in the American Legion, Stickney Post's Sixth Annual Oratorical Contest for eighth grade students.

Sarah Ellen Jones received a medal and a check for $50 for her oration on the duties and obligations of a citizen under the U.S. Constitution and Bill of Rights, Sara Chapin, the runner-up, received $25. Other participants in the contest were Allen Aguilar and Gregory Biziarek of Home School in Stickney and Julie LaPointe and Jacqueline Galvan of St. Pius X School in Stickney.

Mr. Speaker, I congratulate these fine young people for participating in this important exercise in civics and wish them continued success as they develop into the leaders of the future.

A TRIBUTE TO CAROL BERGER, A QUEENS ACTIVIST AND CIVIC LEADER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to honor and pay tribute to Carol Berger for her leadership in spearheading community activism and civic volunteerism throughout Kew Gardens, NY. Carol has worked tirelessly to improve the quality of life in numerous neighborhoods, often doing more than what was needed to successfully serve her community. I have always admired the civic-minded spirit that has thrived in Queens and feel especially proud of Carol for energizing community participation that has established Kew Gardens

as one of the most desirable areas in New York.

The parents, students, teachers and principals that live in and around Kew Gardens are particularly familiar with Carol's volunteer work in strengthening neighborhood schools like P.S. 99, J.H.S. 190, and the Hillcrest High School. Carol has also held several leadership positions in local school boards, such as the Queens Confederation of High School Parents Associations where she served as president and the Citywide Confederation of High School Parents Associations as Chair. She also served as Chair of the Forest Hills Adult Education Systems Advisory Council and Secretary of the Citywide Adult Education Association.

Her commitment and remarkable understanding of the parent/teacher partnership has done much to establish Queens schools as first-rate. However, even after a long period of serving community schools, Carol continued her local activism through the Kew Gardens Civic Association. She is well-known almost everywhere in Queens for inspiring a sense of honor and duty in every neighborhood. Our city owes enormous gratitude to Carol's fearless leadership and indomitable will to make Queens a better place to live. On behalf of the people of Kew Gardens, I congratulate her for her outstanding community work.

THE FAMILY AND MEDICAL LEAVE ACT

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. NETHERCUTT. Mr. Speaker, today I am introducing a bill to correct a provision in the Family and Medical Leave Act that imposes an inequity on married couples working for the same employer.

I first learned about the need to change section 102(f) of the Family and Medical Leave Act from a constituent who directs human services for a small business in the fifth district of Washington. My constituent was approached by two couples, one married and the other unmarried, who worked at her firm. Both couples were expecting a child and wanted to know how much family leave they were entitled to under the Family and Medical Leave Act.

The answer? Because of section 102(f), the unmarried couple was entitled to twice as much family and medical leave—24 weeks—as the married couple, which was limited to a total of 12 weeks to care for their newborn child. The only reason for this difference was that the Family and Medical Leave Act limits benefits for spouses—and only spouses—working for the same employer.

This section was included in the bill so that the Family and Medical Leave Act does not create a double burden on businesses that hire married couples or have employees who marry. However, the law does not similarly limit the leave entitlement of siblings or unmarried couples working for the same employer even though they may also require simultaneous leave periods. This discrepancy creates an inadvertent ''marriage penalty'' in the Family and Medical Leave Act.

When the Department of Labor asked for comments on this provision, several respondents reacted unfavorably. According to the introduction to the final family and medical leave regulations,

> Several commenters took issue with the reasoning for limiting leave entitlements for spouses employed by the same employer. Two individuals opposed the limitations as being *discriminatory against spouses* . . . [T]he regulations provide no guidance in connection with siblings employed by the same employer. *The Society for Human Resource Management noted that two employees living together but not legally married can each take 12 weeks for the birth or placement of a child, and recommended revising the regulations to provide that the 12-week-total limitation would also apply where both parents of a child work for the same employer.* (emphasis added).

The legislation I have introduced addresses the concerns of my constituent and the experts who reviewed the regulations issued by the Department of Labor. My bill corrects this marriage penalty by applying the same 12-week limitation to siblings and to both married and unmarried parents. As in the current law, this limitation applies when leave is available for the birth or adoption of a child or to care for a parent. This legislation is a positive step toward improving our Federal workplace laws and I urge my colleagues to support it.

IN MEMORY OF HAROLD F. OGDEN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. WOLF. Mr. Speaker, I have the sad duty to report the passing last month of a remarkable American patriot, Harold F. Ogden, of Fairfax, VA, who died on March 14 at the age of 98.

Harold Ogden, a retired colonel in the Army reserve, was a native of Melrose, MA and had lived in the Washington, DC., area since 1946. He began his military career with the 1st Calvary of the Massachusetts Volunteer Militia in 1916. The following year, he took part in the punitive expedition against Pancho Villa in Mexico. He was called to active Army duty for World War I service in Europe as a motorcycle courier, then served in the army of occupation in Germany.

He retired from the Army as a captain in 1926 and worked as a construction engineer in Melrose before being recalled to active duty as a major near the outbreak of World War II. During the war, he served in the United States, Europe and the Middle East before retiring in 1946. He retired from the reserves in 1955.

I will always remember Colonel Ogden for his devoted service to the American Legion, which he served for 74 years, and the opportunities I had to participate with him in wreath laying ceremonies in the 10th District of Virginia to honor our Nation's veterans on Veterans Day. He never aspired to high office in the American Legion, but he served when called and was a past commander and chaplain emeritus of Unknown Soldier Post 44 in Arlington, VA; chaplain emeritus of the Virginia Department of American Legion's 17th District. He also held and committee posts for the department of Virginia including serving on the finance committee and chairing a Legion beautification project in Arlington.

He was a member of the La Societe of the Forty & Eight and served Voiture Locale 934 offices up to and including Chef de Gare, and was chaplain emeritus of both Voiture 934 and the Grande du Virginia.

In 1991, Colonel Ogden was among the World War I veterans that took part in special memorial services in France in rememberance of the American Expeditionary Force. He had been decorated with the Silver Star during the War and received the French Croix de Guerre at the memorial service.

Mr. Speaker, we honor the memory of Harold Ogden and the devoted service he gave to this Nation and send our sympathies to his wife Ruth Ogden of Fairfax, his children and grandchildren.

EARTH DAY TRIBUTE TO CHESAPEAKE BAY ALLIANCE

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. GILCHREST. Mr. Speaker, in recognition of the nationwide celebration of Earth Day, I would like to pay special tribute to the Chesapeake Bay Alliance, a group of dedicated men and women who for 25 years have sought to leave this planet just a little bit better than the way we found it.

The Alliance has proven that when Americans feel strongly about something—in this case the health of the Chesapeake Bay—all they need to do is work together for the common good.

It brings together businesses, citizen groups, industries, farmers, environmentalists, scientists, government leaders, and others, to achieve the mission of restoring and preserving the Chesapeake Bay.

Whether it's through their public policy program, which encourages public participation in restoration strategies, their information services program, which helps educate all of us about the Bay, or the watershed restoration program, involving hundreds of volunteers who take a hands-on approach to restoring this unique ecosystem.

For 25 years, the Chesapeake Bay Alliance has served as a model of how citizens can work together and make a difference. I hope we can look forward to many more years of their dedicated service.

MITSUBISHI MOTORS STILL DOESN'T GET IT—PROTESTING THE EEOC SUIT DOES NOT DEAL WITH SEXUAL HARASSMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. LANTOS. Mr. Speaker, like many of my colleagues I was both amused and appalled by the actions yesterday of the Mitsubishi Motor Manufacturing of America. In response to a suit filed by the U.S. Equal Opportunity Commission [EEOC] alleging sexual harassment of female workers at its Normal, IL, manufacturing plant, Mitsubishi chartered 59 buses to carry employees of the company plant in

Normal to Chicago, where they held a protest rally outside the EEOC office there. Mitsubishi not only paid for the buses, they also closed the assembly line for two full shifts, they paid regular salaries to those workers who made the trip to Chicago, and they provided lunch for the protesters.

Mr. Speaker, this is not the way we in the United States settle discrimination suits. Under the rule of law, these issues are decided upon in a court of law based upon their merits. The EEOC is a Federal agency entrusted with enforcing our country's laws against discrimination based on race, sex, religion, age, etc. That agency takes seriously those responsibilities, and it does not file frivolous lawsuits. A protest outside the EEOC's office in Chicago indicates to me that Mitsubishi's legal case must be particularly weak. In addition, a rowdy protest does not strike me as doing anything to resolve the serious legal issues involved here. It may, however, be beneficial to the careers of the American managers of the Normal plant.

Second, Mr. Speaker, this protest strikes me as a tactic to pressure the workers at the Mitsubishi plant to oppose the EEOC suit. Those who went to Chicago to protest against the sexual harassment suit publicly signed a list to indicate their intention to go to Chicago. Those employees who chose not to go were forced to appear at the factory in order to be paid. Clearly the way in which that protest was organized put intolerable pressure on Mitsubishi employees. Such pressure tactics against its employees should be firmly condemned.

Third, Mr. Speaker, based on some of my own activities here in the Congress, there is sound basis for concern about the real possibility of sexual harassment in this case. For 6 years during the 100th through the 102d Congresses, I had the privilege of serving as Chairman of the Subcommittee on Employment and Housing of the Government Operations Committee. During that period of time I held a series of hearings on ''Employment Discrimination by Japanese Firms in the United States'' (July 23, August 8, September 24, 1991, and February 26 and June 18, 1992). We found a pervasive pattern of lack of sensitivity to issues of discrimination by a number of Japanese firms. Among our very serious concerns was strong evidence of sexual discrimination.

What our hearings found was a surprising and very disturbing insensitivity on the part of Japanese management to American laws and American practices against sexual harassment and against sexual discrimination. Mr. Speaker, these practices by Japanese management were exposed and in some cases changes were made by the firms involved, but I would be surprised indeed to find that these problems have been eliminated completely. Clearly if the EEOC charges are true, it reflects a serious lack of sensitivity on the part of Mitsubishi management, and that management has the responsibility to see that sexual harassment does not take place at its plant.

Mr. Speaker, I commend the EEOC for its vigilance in dealing with these serious charges, and I urge the Commission to move forward. These charges should be completely aired and resolved through our legal system. I also urge the management of Mitsubishi to put aside its tawdry and counterproductive public relations tactics and respect the rights of its own workers.

JEWISH WAR VETERANS, NEW JERSEY DEPARTMENT CELEBRATES CENTENNIAL ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. PALLONE. Mr. Speaker, this year, 1996, the Jewish War Veterans of the United States of America is celebrating its 100th anniversary. As part of these nationwide commemorations, the Jewish War Veterans Department of New Jersey is having a military ball at the Officers Club, Gibbs Hall, Fort Monmouth, on Thursday, April 25.

The Centennial Journal being issued by the New Jersey Department in conjunction with this important anniversary is dedicated to the memory of Stanley J. Wides, past department commander and executive director. Thursday's event is also an opportunity to honor past national commanders.

Mr. Speaker, it is always a pleasure for me to pay tribute to the New Jersey Jewish War Veterans. The Jewish War Veterans is the oldest active veterans organization in the country, and it is an honor to work on behalf of their agenda and on behalf of those men and women who sacrificed so much to safeguard our freedoms here at home and to make the world safe and free for future generations. I wish them great success on tomorrow evening's ball at Fort Monmouth, and I look forward to continued partnership with this great organization with its long, distinguished and proud history.

TRIBUTE TO ALOIS VANA, RETIRED EXECUTIVE DIRECTOR OF THE BERWYN PARK DISTRICT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. LIPINSKI. Mr. Speaker, today I pay tribute to an outstanding gentlemen from my district who has devoted himself to his community, Mr. Alois Vana, the retired executive director of the Berwyn, IL, Park District, who will receive the All Berwyn Committee's 1996 Merit Award April 26.

Mr. Vana, a Berwyn native who grew up across the street from one of the parks he would eventually oversee, joined the district as superintendent in 1958, and he served his community for 37 years before retiring December 31, 1995.

Mr. Vana, an Army veteran, also served as president of the Berwyn Kiwanis Club and United Way, and has contributed to many other charitable and civic organizations, including the West Suburban Council of the Boy Scouts of America and the Berwyn Tree Board.

Mr. Speaker, I congratulate Mr. Vana on receiving this honor from the All Berwyn Committee and wish him many more years of service to his community.

COMMENDING THE NEW YORK TIMES ON ITS EARTH DAY EDITORIAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. MILLER of California. Mr. Speaker, I would like to bring the attention of my colleagues to the following Earth Day editorial which appeared in the April 22, 1996, New York Times.

This editorial correctly points out that the American public will not be fooled by the hollow illustrations of environmentalism displayed today in the districts of many congressional Republicans—the same Members of Congress who, over the past year, have consistently voted for legislation to repeal decades of environmental protection for our air, our water, and our public lands. Planting a tree, collecting litter or visiting a zoo today will do little to mask the year-long environmental assault orchestrated by the Republican Congress.

As noted in the editorial, the persistent Republican efforts to include antienvironmental riders on the appropriations bills for the Environmental Protection Agency and the Department of the Interior are most egregious. Although both of these bills have been vetoed by President Clinton, Republicans still insist on including many of the most offensive provisions in an omnibus budget bill to fund the agencies through the end of the fiscal year. Even Speaker GINGRICH has acknowledged that including objectional policy riders in appropriations bills greatly reduces their chances of eluding another Presidential veto. Today's Washington Post quotes the Speaker as estimating that the chances of passing a funding bill for the remaining agencies is ''probably about 50-50'' but that the odds improve if the contentious policy riders were removed and debated separately.

I commend the New York Times for its continually excellent editorials and note that the 1996 Pulitzer Prize awarded to Robert B. Stemple, Jr., for his editorials on environmental issues is richly deserved.

DEFUNDING MOTHER NATURE

The television networks and cable channels are falling over each other to satisfy a growing public appetite for nature programming. An article in The Times last week noted that wildlife programs, once the preserve of the Public Broadcasting Service, have spread like mangroves to NBC, Turner Broadcasting, the Discovery Channel and Disney, among others. This is welcome news. Quite apart from the fact that such programming is of a higher order than most television fare, its popularity is further evidence of what the polls have already told us. Americans care about what is left of their natural resources and the threatened creatures who inhabit them.

Viewers would be equally well served, however, if television stole just a few minutes from the air time now devoted to wolves, wildflowers, sharks and salmon and trained its cameras on the denizens of the United States Congress, where a less inspiring show is taking place. Undaunted by a string of Presidential vetoes, heedless of public opinion and deaf to the pleas of their moderate colleagues, conservative Republicans and a few stray Democrats are pressing forward with their efforts to undermine the country's basic environmental laws.

There are many destructive proposals on the Congressional agenda, including several

bills that would transfer millions of acres of public land to state and commercial jurisdiction. But the most urgent example of bad legislation is an omnibus appropriations bill now under consideration in a House-Senate conference. The bill sharply reduces appropriations for the Environmental Protection Agency and the Interior Department and contains a dozen or so crippling anti-environmental riders. The worst of these riders would authorize increased logging in old-growth forests, reduce protection for the Mojave National Preserve, strip the Environmental Protection Agency of its power to protect wetlands and extend an earlier moratorium on any new listings of endangered plants and animals under the Endangered Species Act.

The listings rider should be of special interest to the viewers of those nature programs. Under law, the Interior Department cannot act to preserve the habitat of an endangered species unless it is listed as such. Among the 250 species that scientists think are dangerously close to extinction, but cannot now be listed by the department's Fish and Wildlife Service, are three that occasionally pop up on TV—the Florida black bear, the Atlantic salmon and the Mexican jaguar. Unless Congress comes to its senses, these and other creatures may survive only on celluloid.

Today marks the 26th anniversary of Earth Day. In full knowledge of that, House Speaker Newt Gingrich recently formed a 77-member Republican environmental task force. Although 36 members of this task force earned ''zero'' ratings from the League of Conservation Voters for their routine support of anti-environmental legislation, many of them are likely to spend the week planting trees, visiting zoos and striking friendly poses next to recycling bins. But the best thing Mr. Gingrich could do for his country and his party would be to recognize that what counts here is content, not imagery—and remove those riders from the appropriations bill.

TRIBUTE TO JACK ELLIS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. BONIOR. Mr. Speaker, I proudly rise to pay tribute to a distinguished educator and a good friend, Mr. Jack Ellis. Jack is the music director at Lakeview High School in St. Clair Shores and was recently named as the Michigan Band/Orchestra Director of the Year.

I have known Jack for many years and he richly deserves the honor bestowed upon him. As in the hit film, Mr. Holland's *Opus*, Jack has been inspiring aspiring musicians and sharing his love of music for years. As one of his many talented students says, ''[Jack] knows his music, but he teaches it in a down-to-earth way * * * He's humorous and he puts things at a level where we can understand it have fun.''

It is obvious that his students ''understand'' because Lakeview's band and orchestra have received numerous awards and honors under Jack's tutelage. The band was Michigan's representative at the re-lighting of the Statue of Liberty and they have received many division one ratings at district festivals.

''Mister E,'' as Jack is fondly known by his students, makes sure to give all his students the individual attention they need. One thing I know he is proud of is the fact that he has never turned a student away. As Jack says. ''Not everyone has the gift of music. But if they've had a desire to be a part of this program, then we've found them a place.''

While Jack also teaches honors European history and world studies, his passion is music. He says that the lessons learned in music cannot be gotten anywhere else. The discipline and cooperation required to create music brings diverse students together in a setting seldom found in any other subject or extracurricular activity. It is obvious that the harmonies created in Jack Ellis' class go far beyond what is merely heard by the ear.

Jack's wife Joellyn is also an award-winning teacher. She was honored as Lakeview Public School's Elementary Teacher of the Year. The students at Ardmore Elementary and Lakeview High School are lucky to have such gifted teachers and I am pleased to recognize their contributions. I commend both of them for their educational and civic contributions.

I congratulate Jack Ellis for the recognition he received from the State of Michigan and I urge my colleagues to join with me in thanking him for his work. He is proud to be a music teacher and he richly deserves being named Director of the Year.

IN TRIBUTE—NATIONAL CRIME VICTIMS' RIGHTS WEEK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to join with countless Americans who are staunch supporters of the rights of victims of crime. This is National Crime Victims' Rights Week. Almost any daily newspaper you read will have front page headlines that scream out accounts of violent acts perpetrated against a host of victims. Readers are bombarded by statistics on murders, armed robberies, rapes, gang violence, domestic violence, drugs and much, much more. Where are the stories about the victims of those crimes? When is the last time that you read an account of the impact of a victim's statement on the outcome of a legal proceeding? All too often, victims are the last thought of while the criminal is protected by a long list of rights.

Those who work on behalf of victims of crime rarely receive the recognition that they deserve. Advocates come from all walks of life. Some are professionals, people who try to make a difference. Most, however, are volunteers who give selflessly of their time, energy and talents.

They are tireless; they are insistent; they are creative.

Along with my husband, Dexter Lehtinen, I worked on placing the protection of victims' rights in Florida's Constitution and then pressured the agencies to implement the provisions.

National Crime Victims' Rights Week is a time of reflection and a call to action. As an example of what a concerned community can achieve, I would like to share with you just a few of the accomplishments of victims' rights advocates from the Miami area. In selecting just a few examples, I salute the work of these individuals. But more importantly, by extension, I would like to pay tribute to all to have taken up this cause.

Victims themselves are often the best advocates. They have turned their misfortune, their grieving toward some wonderfully positive activities. John Walsh, father of six-year-old Adam, was instrumental in the founding of the National Center for Missing and Exploited Children. He will never have Adam back, but Adam's spirit is alive through the Center.

Mr. and Mrs. Donald Ryce, grieving over the loss of their son, Jimmy, have stepped forward to share their message with anyone who will listen. They are working to establish a special training center at the National Center for Missing and Exploited Children which will be dedicated to educating law enforcement officers in how to investigate these sensitive cases, as well as bettering coordination among all our law enforcement agencies.

Mr. and Mrs. Luis Melendi lost their daughter, Shannon, over 2 years ago. Shannon disappeared from a softball field near the campus of Emory University in Atlanta, GA, and has not been heard from since. The Melendi's have taken their case to the public, pushing for stronger measures to prevent known criminals from victimizing others.

Potential victims can help themselves before they become victims. Taking a proactive approach, the Miami Junior League, in conjunction with AT&T, is collecting used cellular telephones in order to give them to women at risk of domestic violence. The phones will be preprogrammed with access to 911, so that help can be summoned immediately in case of attack.

These examples highlight just a few of the many, diverse ways in which victims can assert their rights. I would especially like to highlight the work of Howard Greenstein, the Director of the Dade County Department of Justice System Support, who has been a staunch defender of victims' rights for years. May these individuals and their organizations have great success; may their creativity be encouraged and supported. May we remember the victims.

SIKH INDEPENDENCE DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. CRANE. Mr. Speaker, I rise today to congratulate the Sikh nation on the 297th anniversary of its founding, Vaisakhi Day, which occurred this past April 13. We join in celebrating the heritage of these courageous people.

On this Vaisakhi Day, the Sikh nation struggles to secure the blessings of liberty which we in America and most the Western World enjoy. Sikhs have long supported the idea of freedom for all people. As a free nation, it is our duty to help them live in freedom in their own country.

The Sikh nation's heritage of freedom most recently manifested itself on October 7, 1987, when the Sikh nation declared the independence of the Sikh homeland, Khalistan. Sikhs had previously ruled themselves from 1710 through 1716 and again between the years of 1765 and 1849. When Britain left the subcontinent in 1947, the Sikh nation was one of only

three nations granted power. The Hindu leaders of India assured the Sikhs that they would enjoy the glow of freedom and that no law affecting their rights would pass without the consent of the Sikh nation, and on that basis the Sikh leadership joined with india. But as soon as India achieved its independence, its repression of the Sikhs began.

I am proud to have been among the members of this House who have helped to publicize these cases, such as the September 6 kidnapping of Jaswant Singh Khalra. Concerned Members of this House have helped bring to light reports by Amnesty International, Human Rights Watch/Asia, and other human rights groups which provide a mountain of evidence of India's genocide and tyranny against the Sikhs and others. We will continue to raise our voices for the freedom of the Sikhs, the Kasmiris, the Nagas, the Assamese, the Manipuris, the Dalits, and others. Freedom is the universal birthright of all mankind. On Vaisakhi Day, let us join the Sikh nation in recommitting to the cause of freedom.

I believe the Sikhs should have the right to and opportunity for self-determination, and they should be allowed to decide the question of independence in a free and fair vote. To help accomplish this goal, I hope my colleagues will cosponsor H.R. 1425, which will halt all United States developmental aid to India until the President certifies that India is respecting human rights. To further explain this need, I am inserting for the record a letter from Dr. Gurmit Singh Aulakh, president of the Council of Khalistan. In celebration of Vaisakhi Day, I hope my colleagues will read his letter and will consponsor H.R. 1425.

VAISAKHI DAY MESSAGE TO THE SIKH NATION ON THE BIRTHDAY OF THE SIKH NATION, RECOMMIT TO A FREE KHALISTAN

Dear Khalsa Ji: It is Vaisakhi Day again, the 297th anniversary of the Sikh nation. We celebrate our Sikh identify and the courage of the Sikh nation. On this occasion, we must remember our heritage: Khalsa Bagi Yan Badshah: Either the Khalsa is in rebellion or it is a ruler. We have been enslaved by the brutal genocide of the Indian tyrants for too long. It is time to renew our commitment to free the Sikh nation by starting a shantmai morcha to liberate Khalistan. Only a free Khalistan will insure that the Sikh nation can live in freedom, security, peace, and dignity.

Elections are scheduled to be held on April 27th. Simranjit Singh Mann has filed to challenge S.S. Barnala in Sangrur. We are to feel deeply betrayed by the Akalis shameful eagerness to fight elections under a government that has made every effort to destroy us as a nation. The Akalis have been fighting elections since 1950. What have they achieved? Are we any closer to freedom because of their desire to cow-tow to the Indian regime? It is clear that a nation-wide shantmai morcha is the only way to liberate Khalistan. The sooner we as a nation realize this, the sooner we will enjoy the fruits of freedom so long denied us. I ask the Khalsa Panth to remember that the Sikh nation won the Jaito morcha by peaceful means. We also liberated the Gurdwaras in the 1920s by peaceful means. Likewise, it is through peaceful means and the grassroots involvement of the Sikh nation that we will achieve freedom for Khalistan. The time is now to start a shantmai morcha. We must boycott the Indian government. Protest by the hundreds of thousands. Court arrest. Fill the jails. We cannot allow the Indian regime to deny us our sovereignty. Free Khalistan today?

India's tyranny continues to be exposed, hastening the inevitable breakup of India's bloody empire. The new video documentary ''Disappearances in Punjab'' shows a Punjab policewoman speaking about the brutality of the Indian regime. She says, ''I joined out of patriotic sentiments, but what I saw, atrocities—including those against women—that I cannot bear. Women suffer much. Male officers torture them. They also rape detainees. Some who had been picked up were in the interrogation center. Then I read that they had been killed in an encounter. But I had seen them in detention.'' Here is a member of the Punjab police admitting that rape and torture is common? She also reveals that victims' legs were broken as part of the Indian regime's campaign of terror against the Sikh nation. According to the documentary, the Chief Medical Officer at Patti Hospiatl in Punjab, Khalistan admits that he provided quick, fraudulent postmortum reports to police so that the authorities could cremate the bodies of their victims, destroying any evidence of state-sponsored murder. ''My example set the precedent in Punjab,'' the Chief Medical Officer says in the video. ''Five minutes a postmortem, five minutes a postmortem.'' The modus operandi of the India police is exposed? This video, produced by a Hindu human rights activist, has blown the cover off India's genocide against the Sikh nation.

India has also been hit in print. On November 4, The Pioneer ran an article by Iqbal Masud called ''The Bogus Peace of Beant and Gill.'' Masud reports that ''the Beant-Gill duo committed mass incarceration and called it 'normalcy.'" He also writes about the case of Sarabjit Singh, who was brought in for an autopsy but found to be alive. The regime then killed him and brought his body back to the same hospital. ''When I read that,'' writes Masud, ''I said, Welcome to Super Nazi State.''

The U.S. Congress continues to speak out for freedom for the Sikh nation. Recently, seven more statements were inserted into the Congressional Record. Members of Congress were vocal in their support for the liberation of Khalistan and exposed India brutal history of human rights abuses against the Sikhs. Members of Congress also strongly supported two bills, H. Con. Res. 32 and H.R. 1425 which would respectively recognize the Sikhs nation's right of self-determination and cut off U.S. development aid to India until human rights are observed. These Congressional statements are covered in the April 5 issues of India Abroad, News-India Times and Navjyoti, a Hindi language Indian newspaper.

Within Khalistan, human rights activist continue to raise their voice about Indian repression. A group of human rights activists have written to Indian President Sharma ''to point out that the rule of law is yet to be restored to Punjab. Examples like the disappearance of human rights activist S. Jaswant Singh Khalra are continuing. There is an urgent need to carry out a census under the supervision of UNO, on illegal killings and disappearance as these may be over a hundred thousand,'' these activists wrote. Amnesty International has also issued two recent reports on Indian repression. Amnesty points out that it is routine for people to be arrested for their political views, that preventive detention is widespread, torture ''remains endemic,'' and ''disappearances'' are rampant. These are just a few examples that show that awareness of India's repression of the Sikh nation is rising.

I urge all Sikhs to renew their commitment to the liberation of Khalistan. A shantmai morcha is the only means by which we can reclaim our sovereignty. Indian's state terrorism will not deny the Sikh nation the freedom to which we are entitled. If India could not suppress our struggle for freedom by killing over 150,000 Sikhs, kidnapping and murdering more than 25,000 young Sikh men, and holding over 70,000 Sikhs in detention under the expired TADA law, then how does it think that more repression will end our movement? Let us liberate Khalistan the way that India got its own freedom. Peaceful resistance is the only way to liberate Khalistan, and an independent Khalistan is the only way that the Sikh nation can live in freedom, security, and dignity.

On this Vaisakhi Day, the dawn of freedom in Khalistan is closer than ever. We look forward to celebrating Vaisakhi Day 1999, the 300th birthday of the Sikh nation, in an independent Khalistan where the glow of freedom shines brightly, bringing peace and prosperity to the Sikh nation and the South Asian subcontinent. On this Vaisakhi Day, let us recommit ourselves to this goal. Khalistan Zindabad.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

HONORING JAMES J. SWEENEY

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. BAKER of California. Mr. Speaker, Moraga, CA, is a lovely city in the heart of my congressional district. It is a great place to live, work, raise a family, and develop a true sense of community with one's friends and neighbors. Moraga is the kind of place many Americans idealize as representative of the best small town virtues—except that in Moraga, these ideals are realities.

This year's Moraga Citizen of the Year is Jim Sweeney. The list of Jim's contributions to the Moraga community is remarkable. His two-term tenure as the town's mayor, his work with the Moraga Fire Protection District Board of Commissioners, his service with the Moraga Chamber of Commerce and the Hearst Art Gallery, and his involvement with a host of other organizations is the stuff of local legend. His faithful service is a tribute to his dedication to making Moraga the wonderful place it is.

Too often we fail to honor the people who care enough to make a decisive difference in our local communities. Jim Sweeney is such a person, and is richly deserving of recognition as Moraga's Citizen of the Year. After all, citizenship is about loyalty to the people and institutions that comprise a good and decent society. In so many ways, Jim Sweeney defines what true citizenship is all about. I am very pleased to recognize this outstanding American in the CONGRESSIONAL RECORD.

INTRODUCTION OF DEEP WATER OUTFALL TREATMENT SYSTEMS ACT

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. ROMERO-BARCELÓ. Mr. Speaker, today I am introducing the Deep Water Outfall

Treatment Systems Act. The purpose of this legislation is to amend section 301(h) of the Federal Water Pollution Control Act. This bill would allow public agencies in Hawaii and the insular areas of the United States to apply, within a limited time period, for permits to construct new deep ocean outfalls for their wastewater treatment plants.

Under existing law territories and other insular areas of the United States are prohibited from constructing deep oceans outfalls for their wastewater treatment plants [WWTP's] that would: Protect the ocean environment, operate efficiently and save significant sums of money. The Environmental Protection Agency [EPA] is not allowed to accept new applications for waivers from secondary treatment requirements.

This bill intends to amend section 301(h) of the Clean Water Act would allow such applications, and authorize EPA to review new deep ocean outfall proposals pursuant to the current, stringent Clean Water Act standards for such outfalls. This bill does not alter the rigorous criteria for issuing a waiver nor does it override the judgement of EPA. The bill reflects the goal of both Congress and the administration to find innovative, alternative and less-costly ways to apply existing statutes without compromising the environmental objectives underlying existing law.

Many scientists and experts agree that plans to construct deep ocean outfalls at locations in certain States, including the territories of the United States, can provide the best environmental and economic alternative for wastewater treatment. The plans would not only preserve but would even improve the coastal environments where these discharges occur.

Under the 1977 Clean Water Act, coastal communities—mainland and island—were permitted a time-limited opportunity to apply for exemptions from secondary treatment requirements, if they met very stringent environmental standards for ocean discharges. Overall EPA has granted 39 waivers. All applications were required to be submitted to EPA by December 29, 1982.

Puerto Rico has proposed construction of a deep water outfall situated more than 300 feet deep and several miles from shore as an alternative to secondary treatment at the Mayaguez POTW. This would save the Government about $65 million. Substantial scientific data gathered from similarly situated POWT's with deep ocean outfalls indicates that such methods can achieve the equivalent of secondary treatment standards or even better.

The evidence was so compelling in the instance of San Diego, CA, that Congress last year enacted and the President signed into law, legislation permitting EPA to consider a section 301(h) waiver application proposing a similar alternative to secondary treatment—notwithstanding that such waiver otherwise would be time-barred under the Clean Water Act. I believe we deserve the same opportunity to implement cost-effective alternatives and seek a section 301(h) waiver.

There are numerous precedents of such limited exceptions to the requirements of section 301. The municipal Wastewater Construction Grant Amendments of 1981 included a provision that extended the date under which section 301(h) waivers could be requested and specifically permitted the city of Avalon, CA, to receive such waiver. The Water Quality Act of 1987 included a specific exception for the Irvine Ranch Water District that permitted it also to file for a waiver after the deadline.

I especially urge my colleagues on the Committee on Resources and on the Transportation and Infrastructure Committee to consider this bill and its commonsense approach to the regulatory burden.

The proposed bill allows EPA to avoid the risk of requiring treatment for treatment's sake and from demanding expenditure of funds which could be better used to achieve additional water standards benefits elsewhere. It permits EPA to review new applications and proceed with the flexibility and latitude intended under the act. It would not require EPA to issue any waivers or modify the standards under which EPA considers such waivers. It allows certain States and the territories to apply to EPA under existing section 301(h) standards for modifications that best serve the marine environment and will at the same time, permit the implementation of wastewater treatment plans based upon sound science and technology that meet existing Clean Water Act standards.

This bill is limited and targeted, provides for an efficient process, does not modify existing standards and would be implemented by EPA only if environmental and economic objectives are accomplished. I am hopeful that it will receive favorable congressional action at an early date.

TRIBUTE TO THE MORTON HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the girls' basketball team of Morton High School in my district.

The squad recently won its first ever regional title in the Illinois State basketball tournament. In fact, this was the Morton team—boys or girls—to advance past the regional round of the playoffs since 1972.

Unfortunately, Morton's dream season ended with a defeat to perennial power Mother McCauley in the sectional semifinals last week.

Nonetheless, I congratulate the team and its first year coach John Molitor, for bringing home the regional championship and basketball pride to Morton High School.

IRANIAN BAHAIS FACE EXECUTION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. PORTER. Mr. Speaker, we just received the distressing news that the Supreme Court of Iran confirmed on February 18, 1996, the death sentences of Mr. Kayvan Khalajabadi and Mr. Bihnam Mithaqi. These two Bahais had been arrested without charge in April 1989 and sentenced to death on November 23, 1993, by the Islamic Revolutionary Court of Karaj for their religious activities. The verdict had been appealed to the Supreme Court. If these men are executed, they will be the first Bahais executed since 1992.

Mr. Speaker, just last month on March 27 I stood here calling for the passage of House Concurrent Resolution 102, a resolution concerning the emancipation of the Iranian Bahai community. In calling for its passage, I said that there are disturbing signals that the repression of Bahais has increased during this past year. Unfortunately, I could have not been more right.

Mr. Speaker, since the fundamentalist Islamic regime took power in Iran in 1979, hundreds of Bahais, the largest religious minority in Iran, have been executed, and thousands have been imprisoned solely because of their religion. Because the regime does not recognize the Bahai faith, calling it a conspiracy and a heresy, tens of thousands of Bahais are today deprived of jobs, housing, schools, and other social services. Furthermore, it is common practice for Bahais to be denied pensions and food ration cards purely because of their religious affiliation. And what, you ask, could the Bahais possibly do that could justify this atrocious, asinine treatment? They simply ask to be able to peacefully practice their faith.

Intolerance, Mr. Speaker, is the trail of the backward, the ignorant, and the insecure. In Iran, intolerance of Bahais, people who threaten no one and who accede to legitimate, civil authority wherever they reside, defines not the Bahais, but the Iranian fundamentalists.

Mr. Speaker, Iran must continue to be ostracized from the community of nations until its conduct can begin to approach a respect for the basic rights of each human being to live, worship, and speak according to the dictates of his or her own conscience. We must continue to stand up and denounce each barbarous and inhumane action the Iranian regime takes. We must let Mr. Khalajabadi and Mr. Mithaqi know that the world cares about them and will not stand idly by in their time of need.

A TRIBUTE TO AMY COURNOYER

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today with the proud honor of announcing that Amy Cournoyer of the First District in Rhode Island is our State's winner for the Voice of Democracy broadcast scriptwriting contest. This past year, more than 116,000 secondary school students participated in the contest competing for 54 national scholarships.

The contest theme this year was ''Answering America's Call''. In Amy's script she discusses that the time has come for a new generation of leadership to cope with new problems and new opportunities. She explains how the elders are called on to pass on the wisdom that they have gained through experience to youth so that they will attain greater knowledge. This sharing of ideas between adults and adolescents brings about the virtue of understanding. In sum, if we want to truly answer America's call and create a better country, we must better ourselves.

Mr. Speaker, I extend to Ms. Cournoyer my heartfelt congratulations and ask that Ms.

Cournoyer's winning script be inserted into the CONGRESSIONAL RECORD. Finally, I also want to thank Amy for helping us to recognize today's youth and all that they have to offer to our country and its future.

''ANSWERING AMERICA'S CALL''

1995–96 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM, RHODE ISLAND WINNER: AMY COURNOYER, POST 2274, ASHTON, RHODE ISLAND

America is not simply ''calling'' each one of us. It is yearning, urging, and persistently imploring. Its concerns echo in the halls of schools across the country. After all, youth is the essence of this country, for it is the collaboration of new ideas that have maintained America's longevity. If I may borrow a quote from John F. Kennedy, ''It is time for a new generation of leadership, to scope with new problems and new opportunities. For there is a new world to be won.''

Retracting America's history, it is evident that the very passion and integrity of youth and rebirth of ideas have had a positive impact on society. After all, the very foundation of our country is the Constitution which was created by people with this undying thirst for reform. Events such as the Boston Tea Party, the Civil Rights Movement, Space Exploration, and other advances in technology were all made possible thanks to youthful minds.

So, as a contemporary society we must have the wisdom to heed that very call. The call for youth of all ages to express themselves. The elders are called to pass on the wisdom that they have gained through experience to the youth so that they will attain greater knowledge. Moreover, this sharing of ideas between adults and adolescents brings about the third and most important virtue, understanding. For it is through understanding one another that things can be accomplished.

America is a tune. It must be sung together. Arguing with or belittling others are only obstructions in our quest for knowledge, wisdom, and understanding. America is calling each person, young and old, black and white, Catholic or Jewish, to break away from their old, cemented ways, and return to the simple, innocent, and unbigoted ways of youth. I am not advocating a break in tradition, nor am I depicting a society of fools. I am simply suggesting that if we sing our tune in harmony, combining our individual talents to create a beautiful melody, then we are truly answering each others' call, which is indeed America's call—a microcosm of the macrocosm. We all contribute to the future of the world. Understanding is a building block for nonviolence. Martin Luther King professed that ''Nonviolence is the answer to the crucial political and moral questions of our time, the need for man to overcome oppression and violence without resorting to oppression and violence.''

Man must evolve for all human conflict a method which rejects aggression and retaliation. The foundation of such a method is love.

''So do not ask for whom the bell tolls; it tolls for thee.'' Everyone talks about a better world, a better place. But, actions speak much louder than words. In order to truly answer America's call we must begin with ourselves. Then we will radiate like sunbeams on the community. Adults, listen to the call of the youth, they have a lot to give. And youth, listen to your elders, they have much wisdom to offer also.

In conclusion, I am yearning, urging, and persistently imploring that we heed each other's call. Whether it be doing volunteer work, becoming a politician and working for the betterment of our democratic system, becoming a research scientist and working for a cure for such deadly diseases as cancer and AIDS, or simply giving a friendly smile and treating each other with dignity and respect. Everything is a microcosm of the macrocosm. So if we want to truly answer America's call and create a better country, we must better ourselves. Then, and only then, are we truly answering America's call.

A TRIBUTE TO THE FIREFIGHTER CONGRESSMAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. HOYER. Mr. Speaker, on April 30, 1996, the Congressional Fire Services Caucus will pay tribute to the champions of public safety at the Eighth Annual National Fire and Emergency Services Dinner. Over 3 million citizens throughout our great Nation dedicate their lives to preserving our communities against the threat of fire and other types of disasters. They include firefighters, EMS providers, search and rescue teams, arson investigators, and instructors. The list goes on for somewhere, in each of our communities, we can name an acquaintance of ours who is prepared to respond when the alarm sounds.

Our understanding in Congress of the many challenges facing first responders has been enhanced throughout the years primarily because of one individual. CURT WELDON, our firefighting Congressman, is unique to Washington politics. Very few individuals who have served in this institution have been able to unite members from both sides of the aisle behind one cause.

Today, the Congressional Fire Services Caucus is the largest caucus in Congress. With an equal number of Republicans and Democrats, the Fire Caucus is a tribute to the relentless efforts of CURT WELDON to achieve greater recognition for first responders on Capitol Hill. Throughout the 8-year history of the Caucus, our dear colleague has traveled to the scenes of our country's worst disasters in recent memory. He was in New York City to witness the horrible aftermath of the World Trade Center bombing, in Dade County, FL, following Hurricane Andrew, and southern California after the Northridge earthquake. And each time he would return from these incidents, CURT would share his findings with fellow members to help us better understand the significance of these events and what Congress can learn from them.

On issues of great significance to the fire service and EMS, my colleagues and I often defer judgment so that we can follow Congressman WELDON's lead. When casting his vote on fire service issues, CURT is guided by his years of experience as a firefighter, where he rose through the ranks to become chief of the Marcus Hook Fire Department in Marcus Hook, PA. Each of the seven major fire service organizations, despite their differences on issues, can all come to an agreement when the issue is the benefits they have derived from one man's belief in their respective missions. That man being CURT WELDON.

When my fellow Fire Caucus cochairmen and I join the 2,000 national fire service leaders at the forthcoming dinner, we do so in thanks and appreciation to our dear friend, CURT WELDON. This past year, he has endured some setbacks, most recently the passing of his mother, Catherine Weldon. A volunteer for charitable causes throughout her lifetime, Mrs. Weldon leaves behind a legacy supporting the fire service, American Red Cross, and other local causes. Her attributes touched many, most importantly her nine children.

What amazes me most about CURT is despite these setbacks, he continues to perform as if he were still a fire chief for Marcus Hook. Whenever the alarm sounds on Capitol Hill, CURT takes expedient action, always working in cooperation with his colleagues, to resolve whatever the emergency might be.

A friend first, and colleague second CURT WELDON represents the best in public service.

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. TAYLOR of North Carolina. Mr. Speaker, on March 12, I was unavoidably detained in my district during rollcall Nos. 56–59.

Roll No. 56 was on the rule accompanying the conference report to H.R. 1561, the Foreign Relations Authorization Act. Had I been present, I would have voted ''yea.''

Roll No. 57 was on a motion to suspend the rules and pass House Joint Resolution 78, granting additional powers conferred upon the bi-state development agency by the States of Missouri and Illinois. Had I been present, I would have voted ''yea.''

Roll No. 58 was on a motion to suspend the rules and agree to House Concurrent Resolution 149, a resolution condemning terrorist attacks in Israel. Had I been present, I would have voted ''yea.''

Roll No. 59 was on passage of the conference report to H.R. 1561, the Foreign Relations Authorization Act. Had I been present, I would have voted ''yea.'' This would be consistent with my ''yea'' vote on the bill June 6, 1995—rollcall No. 366—when it first came before the House.

UNICEF HELPING CHINESE ORPHANS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following exchange of letters concerning the efforts of the United Nations Children's Fund (UNICEF) to improve the plight of orphans in the People's Republic of China. The exchange of letters was precipitated by a well-documented investigation by Human Rights Watch—Asia, published in January 1996 under the title, ''Death by Default.''

Earlier this year, this Member wrote to Carol Bellamy, Executive Director of UNICEF, urging that agency to expand its programs in China

and to work with the United Nations Committee on the Rights of the Child to examine China's performance in implementing its responsibilities under the UN Convention. In Ms. Bellamy's response, she describes UNICEF's program in China and provides some useful information on steps the Chinese Government is taking to improve conditions in the orphanages.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, February 2, 1996.

MS. CAROL BELLAMY,
Executive Director, United Nations Children's Fund, New York, NY.

DEAR MS. BELLAMY: I am writing to you regarding the tragic reports on the mistreatment of orphans in the People's Republic of China. As you know, these reports are based on a well-documented investigation by Human Rights Watch—Asia, published in January 1996 under the title, ''Death by Default.''

I was pleased to see the January 22, 1996, UNICEF announcement of an agreement with China to start a program to improve the care of orphans and disabled children in that country. The two training projects involved, while rather limited, represent a solid basis for increased cooperation between China and UNICEF in this crucial area. I urge you to continue to try to deepen UNICEF's involvement by expanding into all areas of the country and working with as wide a range of Chinese orphanages as possible.

There is another area where I believe UNICEF and the international community can contribute to improving conditions in China's orphanages. As a signatory to the United Nations Convention on the Rights of the Child, the People's Republic of China has certain responsibilities regarding the care of children in state-run institutions. It is apparent from the Human Rights Watch report that China has failed to live up to those responsibilities in fundamental ways.

I urge appropriate agencies of the United Nations, including UNICEF and WHO, to work closely with the UN Committee on the Rights of the Child in Geneva to examine China's performance in implementing its responsibilities under the UN Convention.

Thank you for your efforts in this area. Please keep me informed of any developments.

Best wishes,

DOUG BEREUTER,
Vice Chairman.

UNICEF HOUSE,
New York, NY, March 11, 1996.

Hon. DOUG BEREUTER,
Vice Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. BEREUTER: Many thanks for your letter of February 2 regarding the situation of children in the Child Welfare Institutes (CWIs) in the Peoples Republic of China. My apologies for the delay in responding, but I have been out of the country for much of the time since we met on February 9.

Over these past five or six weeks, our UNICEF country office in Beijing has continued its dialogue with the Government of China regarding the CWIs and I believe that they are producing some progress for the children who are living in them. As you may recall from our discussion, an understanding had already been developed with the Government in January regarding two specific adjuncts to our ongoing work in the country. The first, which implies a Needs Assessment of all institutes in the country, will identify the most ''at risk'' institutes throughout the 30 provinces and autonomous regions in need of a capacity building strategy which will train their staff, improve the standard of rehabilitation services, and establish improved management procedures. One Institute in each province will be upgraded to serve as a model and resource center for training and improvement of rehabilitation skills. The second focuses on in-service training of staff and trainers on child care, rehabilitation and management through National Training and Rehabilitation Centers under the Ministry of Civil Affairs.

However, in addition to the addition to these specific program activities, we have learned in the last two weeks of some importance policy changes that are underway as a result of UNICEF's cooperation with the Ministry of Civil Affairs on the situation of China's orphans. First, our China office has been advised that the Government will increase action at all administrative levels to heighten advocacy and mobilization to reduce abandonment of children. Following ratification of the Convention, the Government of China enacted the Law on the protection of Minors which considers abandonment of children a criminal activity. Second, the Ministry of Health will now provide all children found abandoned and to be admitted to any of the Institutes a complete health evaluation at a nearly hospital. Very sick children will not be forwarded to the Institutes, which do not have up-to-date medical equipment, until they have been treated. This was not done previously and will reduce the risk to seriously ill children. Third, the Government has decided to amend its present policy that the living standards of the children in the CWIs be the same as in the surrounding community. This policy has caused some disparities in the CWIs. The new policy will require a living standard that is somewhat higher than that of families living in the surrounding communities. Fourth, the Government has decided to increase the budgetary investment in the CWIs to renovate and improve their physical infrastructure.

Of course, as you have noted, the Convention on the Rights of the Child is a powerful tool with which to promote the minimum standards for the survival, development and protection of children that are now a part of international law. The Government of China has ratified the Convention and we look forward to our continuing cooperation with the Government to ensure that these standards become a reality for all of China's children.

Many thanks for your support.

Sincerely,

CAROL BELLAMY,
Executive Director.

ARIZONA'S VOICE OF DEMOCRACY SCHOLARSHIP RECIPIENT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. STUMP. Mr. Speaker, it gives me great pleasure to announce that Matthew P. Reece, who resides in the Third Congressional District of Arizona, is the Arizona State winner of the Veterans of Foreign Wars Voice of Democracy Scholarship. Matt, a senior at Bradshaw Mountain High School, was named a national winner in the 1996 Voice of Democracy Program and the recipient of the $1,000 Department of Wyoming and its Ladies Auxiliary Scholarship Award. VFW Post 10227 in Prescott Valley, AZ sponsored him. I am pleased that Matt was among the 54 national scholarship recipients who received more than $118,000. I commend to the attention of my colleagues Matt's award winning essay on ''Answering America's Call.''

ANSWERING AMERICA'S CALL

(By Matthew P. Reece)

Answering America's call is taking the time to pick up the phone and just listen. America is calling but if we fail to answer the call, America's voice will soon die away. So come on, pick up the phone.

Ring . . . Ring . . . Ri . . .

Hello.

Yes, this is America calling for the leaders of the 21st century.

Is this a crank call or what?

No. I'm surveying young people of America. I want to know your definition of democracy and if you think democracy will survive in the next century.

I don't know about definitions. I guess democracy is a government of, by, and for the people. Democracy is about freedom for the people. It's difficult to put in words. Some have tried. H.L. Mencken called democracy, ''The art of running a circus from the monkey cage.'' George Bernard Shaw sneered, ''It substitutes selection by the incompetent many for the appointment by the corrupt few.'' Educator Alexander Meiklejohn panned it as, ''A government where you can say what you think, even if you don't think.'' Finally, Winston Churchill said, ''Democracy is the worst system devised by the wit of man, except for all others. Obviously the intellectuals can't define democracy. Democracy defies definition. I, however, know that democracy is about people and their yearning for freedom, assuming responsibility for that freedom, and grabbing the golden ring of opportunity for life and the pursuit of happiness.

Young person . . . In speaking with others like you, democracy appears in disrepair: Voter turnout is at an all-time low, political campaigns are financed by the wealthy, special interest groups; the media has frozen our common sense and critical thinking. Our people are intensely concerned about drugs, crime, the crazies on the right and left; children having children, teens killing teens, sex and violence, soleless materialism and a gridlocked government that can't curb a national debt headed for the moon.

I've also heard that the ''Political Vehicle'' built by the founding fathers has degenerated into a ''Runaway Antique at the risk of losing its wheels.'' I don't agree with the perception. I see democracy on a roll with new regeneration for the 21st century.

You see, Government is not democracy. Democracy includes; Sam Adams staging the Boston Tea Party, Martin Luther King leading a march on Washington, Rosa Parks refusing to give up her seat. Democracy is what happens when free men and women get together and make something for the good of all.

We have the freedom; we can assume the responsibility; we have the faith for opportunity. We can change a community, create a business, or even become president. We always have the choice.

In exercising that choice we have to recognize the freedoms given to us; such as the bill of Rights, where mankind is given; the right to free speech, the right to a trial by jury, the right to petition and protest against people or events that are unpopular.

In turn we must assume the responsibility for our freedom. We need to vote for what we believe in and continue what past generations have started; such as peaceful relations with other nations.

Finally, we must keep the faith that freedom of choice will exist in the 21st century.

That faith can be bolstered by: participation in the community, information gathering that is fair and accurate and balancing our endeavors. We need to sacrifice our personal wants and needs for the common good.

America, I need to go—I have another call, but don't worry, I'm not hanging up on you. I'm putting you on hold or on an answering service. You can call me collect anytime. I owe America and I guarantee I'll repay my debt in the 21st century.

I'll take charge of a local reforestation project and participate in discussions affecting my local area or even the nation. I'll make sure and stay informed and help others to do the same. Freedom is a part of the human spirit and helping others is what freedom is all about.

Thank you, young person for taking the time to listen to my call for action. If I have gotten through to you then there is hope for all of us.

Always remember what President Truman said at his inaugural address: ''Only by helping the least fortunate of its members can the human family achieve the decent, satisfying life that is the right of all people.''

TRIBUTE TO THOMAS E. MOSELEY

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. TEJEDA. Mr. Speaker, I rise to pay tribute to a veteran of education, Mr. Thomas E. Moseley. Mr. Moseley has touched the lives of students for 41 years, expanding minds and intellects as a teacher, a coach, a principal, and as superintendent. Mr. Moseley will retire at the end of this school year, and I could not let this event pass without commenting on his many achievements.

Mr. Moseley has served on every level of education. He began as a biology teacher and golf coach, first at Hondo High School and later at Robert E. Lee High School in San Antonio. After serving as a teacher and a State champion golf coach at Lee High School for 4 years, he moved up as the assistant principal of the school. Five years later, Mr. Moseley achieved the rank of principal of Nimitz Middle School. He held this title for 3 years and then moved over to Roosevelt High School to serve as principal. In 1980, Mr. Moseley became the superintendent of the Fort Sam Houston school district, where he has served for the past 16 years. Through these work experiences, Mr. Moseley developed a philosophy which took schools to higher educational levels.

As superintendent of Fort Sam Houston ISD, Mr. Moseley achieved numerous personal and educational honors. Both of the Fort Sam Houston schools have been named blue ribbon schools by the U.S. Department of Education through their excellence as impact aid schools. The Texas School of Business named Mr. Moseley the ''March Educator of the Month'' in 1990. In 1986, Mr. Moseley was named as ''Superintendent of the Year'' by region 20, an honor which speaks for itself. The University of North Texas named the educator ''Outstanding Alumni of the Year'' in 1992. In addition to his many honors, he currently serves on the University of North Texas Alumni Board, the USO Board, the Texas Academic Decathlon Board, as well as the Greater San Antonio Chamber of Commerce.

However, if Mr. Moseley were standing with me here today, he would not allow me to brag about his achievements. He is most honored by his students, his teachers, his friends—the people who benefited from his leadership and personal philosophy. Mr. Moseley's style of leadership is best described by his quote, ''much can be accomplished if you don't mind who gets credit.'' This justly sums up Mr. Moseley's method of leadership. This educator believed in the education business. He saw teaching as a service to the classroom and the students. His decisions on administration duties, teaching priorities, even coaching, were always based on what was best for the kids. Through the actions of Mr. Moseley, others benefited.

Mr. Thomas E. Moseley will close the book this year on one of the most successful educational campaigns—his own. As the educational career of this 41-year veteran comes to a conclusion, I stand here to applaud him for a job well done. Mr. Moseley, thank you for instilling the value of education in the numerous lives that you have touched. Thank you for your dedication to impact aid schools and the schools of San Antonio. I trust that in your retirement you will touch just as many lives as you have in your educational career.

IN SUPPORT OF H.R. 3249, THE MARINE MINERAL RESOURCES INSTITUTE ACT

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 23, 1996

Mr. WICKER. Mr. Speaker, today I am pleased to join my colleague from Hawaii, Mr. ABERCROMBIE, in support of H.R. 3249, legislation to continue a valuable marine minerals resource program. Since its inception in 1988, this program has had as its primary goal the environmentally responsible exploration and development of mineral resources found within our Nation's Exclusive Economic Zone [EEZ]. This region covers more area than the United States proper and contains a resource base estimated in the trillions of dollars. By successfully merging the skills of academia and the talents of industry, this program is working to place the United States well above its international competitors in underwater technology development. At the same time, this program invests in the future by providing graduate students with first-hand training in marine mineral development.

At present, the United States is in danger of being surpassed by other nations that are aggressively pursuing the development of environmentally friendly ocean mining technology. Japan, the United Kingdom, France, and China, in particular, have devoted considerable time and money toward developing such technologies and promoting industry support. This program directs successful applied research efforts with numerous concrete accomplishments. To meet future challenges, researchers are working to develop surveying and sampling systems for use in locating important mineral deposits. The systems can be used for locating sand resources for coastline stabilization and beach replenishment. In addition, they are essential in assessing and monitoring pollutants in river and oceanic sediments. Researchers are also working to develop an acoustical filter system to control dredging turbidity and to process industrial waste.

For a relatively small input of Federal money, a strong relationship has been forged between Federal, academic, and industry teams to address problems in marine resources and the environment. I ask my colleagues to join us in supporting this exceptional program.

COOPERATIVE TEAMS IN THE AMERICAN WORKPLACE

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. SAWYER. Mr. Speaker, I rise today to insert in the RECORD the text of an address recently given by National Labor Relations Board Chairman William B. Gould on the subject of cooperative teams in the American workplace. I believe it is a significant contribution to the ongoing congressional debate on the legality of employee involvement structures.

Currently, the National Labor Relations Act prohibits employer-dominated teams if they discuss wages, hours or other conditions of employment. That policy was enacted over 60 years ago to prevent employers from setting up company unions as a means to block employee efforts to obtain truly independent representation for the purpose of collective bargaining.

Last year, Congressman STEVE GUNDERSON introduced H.R. 743, the Team Act, which was intended to make all workplace teams legal, regardless of the content of their discussions. When the House considered H.R. 743, I offered a substitute amendment that was intended to protect legitimate employee involvement structures, without allowing employer-dominated sham unions.

My substitute would have clarified that teams established to discuss productivity, efficiency or other competitiveness issues are currently legal under the National Labor Relations Act. More importantly, it would also have preserved one of the fundamental tenets of the NLRA—that employees must be able to choose effective independent representation for discussions of terms and conditions of employment, such as hours, wages, and other matters typically discussed in collective-bargaining negotiations.

However, my substitute also recognized that such issues are sometimes inextricably linked with competitiveness. It would have protected legitimate workplace teams, even if their discussions occasionally touched on directly related conditions of work.

In his speech, chairman Gould expresses support for this type of approach and issues a broad call for allowing the NLRB to conduct its statutory responsibility to apply the basic principles of the NLRA to specific cases. He specifically voices opposition to the Team Act, and makes the case that recent Board decisions have begun to address the concerns of Team Act supporters. He also reviews his successful efforts since becoming chairman 2 years ago to streamline and improve the Board's decision-making process.

Mr. Speaker, the Senate has begun to consider the legality of workplace teams, so these issues may be before the House again soon. In preparation for this, I commend chairman Gould's speech to my colleagues.

NATIONAL LABOR RELATIONS BOARD
LUNCHEON ADDRESS

(By William B. Gould IV, Chairman)

I am honored to address this Seventeenth Annual Labor-Management Relations Seminar, which has a long history of constructive contributions to labor-management relations in the United States. It is a pleasure to be here to discuss with you some of the recent developments and issues of current concern involving the National Labor Relations Board.

Not only is this a chance to access the direction of the Board on the eve of the second anniversary of my confirmation as Chairman by the Senate—but also on a more personal note on that same day, March 2, I will be in Los Angeles to attend the wedding of my second oldest son, Timothy Samuel Gould, the first of the three Gould boys to exchange marital vows. Thus, both professionally and personally, it is a time for celebration as well as reflection about the past and contemplation on the years to come.

The two years have passed quickly and have been a real learning experience, not so much in labor law—though I am continuously dazzled by new doctrines and precedents which somehow escaped my scrutiny in a quarter of a century of teaching and writing and 6 years of practice—but in the ways and politics of Washington. This was not new to me in an intellectual sense, but to live it has been a unique experience.

As you know, the TEAM Act was passed by the House of Representatives in September 1995, and is now pending before the Senate.

That bill would make inoperative Section 8(a)(2)'s strictures against employer dominated or assisted labor organizations to most situations where a ''sham'' union necessitates the intervention of law. My sense is that the TEAM Act is an inappropriate response to whatever problems exist under Section 8(a)(2) and that they would promote the rise of sham or dependent labor organizations, a result most undesirable under a statutory policy which promotes autonomy and self-determination. And, most important, the Board since last summer, has attempted to affirmatively promote legitimate employee cooperation programs under the statute as written.

As you know, there are two parts of the legal problem under the NLRA. In order for a company union problem to arise under Section 8(a)(2) an employee organization must be found to be a ''labor organization'' within the meaning of the Act. In this regard, the Supreme Court in NLRB v. Cabot Carbon Co. established an extremely broad definition for labor organization almost 40 years ago—it covers far more entities than unions which we typically think of as labor organizations—and, thus, has made many such employee mechanisms fit the statutory definition.

This is an important part of the problem because an organization can be only ''unlawfully'' assisted or dominated under Section 8(a)(2) if it meets the labor organization test. Last summer I addressed both issues in my separate concurring opinion in Keeler Brass Co. Though I found that the Grievance Committee in that case was a labor organization within the meaning of the Act, I explicitly stated that I would not find other employee groups to fall within the definition. I stated that I agreed with the Board decisions of the 1970s which had held employee participation groups not to be labor organizations. In those cases the Board held that employee groups which rendered final decisions and did not interact with management performed ''purely adjudicatory functions'' which had been delegated to it by employers and thus did not ''deal with'' the employer within the meaning of Section 2(5) of the Act which defines a labor organization. I stated that I fully agreed with the Board's decision and rationale in those cases and that they are '. . . consistent with the movement toward cooperation and democracy in the workplace which I have long supported,'' I further stated:

''This movement is a major advance in labor relations because, in its best form, it attempts nothing less than to transform the relationship between employer and employees from one of the adversaries locked in unalterable opposition to one of partners with different but mutual interests who can cooperate with one another. Such a transformation is necessary for the achievement of true democracy in the workplace. However, it does pose a potential conflict with the National Labor Relations Act, enacted in 1935 at at time when the adversarial struggle between management and labor was at its height.''

In Keeler Brass I concluded that the Committee, since it did not have the authority to adjudicate, was not covered by the precedent which I embraced in that opinion. Since it made recommendations about grievances and employment conditions—recommendations about which the Committee was not the final arbiter—it was a labor organization within the meaning of the Act. Accordingly, I then considered the question of whether the employer had unlawfully dominated or interfered with the labor organization in question.

In considering this issue I stated my approval of the Court of Appeals for the Seventh Circuit's approach to this issue in the landmark Chicago Rawhide decision. The court established in that case, as I noted in my concurring opinion, a demarcation line between support and cooperation. As I said:

''The court defined support as the presence of 'at least some degree of control or influence,' no matter how innocent. Cooperation, on the other hand, was defined as assisting the employees or their bargaining representatives in carrying out their 'independent intentions. The court went on to find that assistance or cooperation may be a means of domination, but that the Board must prove that the assistance actually produces employer control over the organization before a violation of Section 8(a)(2) can be established. Mere potential for control is not sufficient; there must be actual control or domination. The court set forth the following test: 'The test of whether an employee organization is employer controlled is not an objective one but rather subjective from the standpoint of the employees.'''

I said in Keeler Brass—and say here again today—that I approve of the Seventh Circuit's statement holding promoting good and cooperative relationships. I also agree that the subjective views of the employees must be taken into account as the Seventh Circuit said in both Chicago Rawhide and Electromation—but that to rely completely upon employee satisfaction would undermine extant Supreme Court precedent.

Although the employee cooperative program in Chicago Rawhide originated with the employees, I said in Keeler Brass that an employee group does not have to originate with employees but can be promoted or suggested by the employer and not run afoul of the prohibitions against assistance and domination. As I said:

''I do not think these efforts are unlawful simply because the employer initiated them. The focus should, instead, be on whether the organization allows for independent employee action and choice. If, for example, the employer did nothing more than tell employees that it wanted their participation in decisions concerning working conditions and suggested that they set up a committee for such participation, I would find no domination provided employees controlled the structure and function of the committee and their participation was voluntary.''

Thus, I noted in *Keeler Brass* that the factors in favor of dismissal were that the employer did not create the committee in response to a union organizational campaign, that the committee was voluntary and employees were the voting members of the committee and all of them were elected by employees. Accordingly, I was of the view that there was some measure of free choice and ''scope for independence.'' On the other hand, the fact that the employer set time limits for terms for membership, established eligibility rules and election procedures and conducted the election, announced the results of the election, dictated the number of employees who could serve on the committee, established meeting days and allowed special meetings to be held only with management approval argued in favor of unlawful domination. As I said:

''These elements of control indicates that the committee is not capable of action independent of the employer. Perhaps the most telling aspect of dependency is that the committee cannot even make a decision about when it will meet without prior approval from the employer.''

I am of the view that the Board in these past two years moved closer to the support for employee cooperative programs which I expressed last summer in a series of decisions issued on December 18, 1995. For instance, in *Stoody Company* a unanimous Board said: ''We support an interpretation of the Act which would not discourage such [employee participation] programs.'' In this case the employer created a committee, the Handbook Committee, to gather information about sections in the handbook which were inconsistent with the current practice, that were obsolete or that were misunderstood by employees. The committee was not established to discuss wages, benefits or working conditions. But during the only meeting of the committee, which lasted one hour, employees raised questions concerning vacation time and the employer's representative participated in these discussions. Subsequently, the company stated again that the committee was not designed to discuss such subjects.

The Board in *Stoody Company* rejected the view that the employee group in question was a labor organization within the meaning of the Act. Thus, the prohibitions regarding unlawful assistance and domination were inapplicable. In an important passage which ought to get the attention of the Senate when it considers the TEAM Act in the coming months, the Board said the following:

''Drawing the line between a lawful employee participation program and a statutory labor organization may not be a simple matter because it may be difficult to separate such issues as operations and efficiency from those concerning the subjects listed in the statutory definition of labor organization. If parties are burdened with the prospect that any deviation, however temporary, isolated, or unintended, from the discussion of a certain subject, will change a lawful employee participation committee into an unlawfully dominated labor organization, they may reasonably be reluctant to engage in employee participation programs.''

The Board then noted that employees had initiated the discussion of working conditions which would have argued for a labor organization finding and said the following:

''What happened here appears to us to be the kind of situation that is likely to occur when an employer is attempting something new and its supervisors have little or no experience with participation efforts. Absent evidence of a pattern or practice, or of a design to interfere with the organizing efforts of an independent labor organization, we do not think such conduct violates the Act.''

The labor organization aspect of this issue was also presented in *Webcor Packaging, Inc.* where a plant council was designed to offer recommendations to management about proposed changes in working conditions, such as wages, and management would consider whether to accept or reject these recommendations. The Board found that the council existed to deal with variety of grievances involving employment conditions including issuing employee vacation paychecks, payment for safety shoes. Unlike the cases which the Board had decided in the '70s in which I found to be appropriate decisions in *Keeler Brass,* the council had no authority to make decisions on its own. All that was involved was an obligation on the part of management to take the matter under advisement and consider the employee proposal very seriously. Said the Board:

''We accordingly conclude that the record evidence establishes that the Plant Council existed for the purpose, at least in part, of following a pattern or practice of making proposals to management which would be considered and accepted or rejected, and that such a pattern in fact occurred.''

''Accordingly, the Board found that the council was a labor organization which was ''dealing with'' management. Since the record established that the council was a creation of management and that its structure and function were essentially determined by it, unlawful domination under Section 8(a)(2) was found to exist.''

In another decision, Vons Grocery Co., the question was whether an employee participation group interfered with the union's role as exclusive bargaining representative. In this case, the employer created an entity known as the Quality Circle Group (QCG). The group dealt with dress code matters and an accident point system for truck drivers, reaching agreement on the former matter. We concluded that there was no pattern of practice of making proposals to management and that the proposals on a dress code and accident point policy were ''. . . an isolated incident in the long life of the QCG.'' And we noted that even in that situation, the union was informed of proposals and brought into consultation before any decision was made. When the union complained about the role of QCG representatives, the employer immediately changed the format so as to include a union steward at each meeting. The Board concluded, in a vein similar to Stoody, that one incident did not make a pattern of practice of dealing with the employer within the meaning of Section 2(5). We thus dealt with this matter in a manner similar to our conclusion in Stoody. We said:

''In sum, we do not believe that this one incident [the dress code and accident policy] should transform a lawful employee participation group into a statutory labor organization. We do not believe that what happened here poses the dangers of employer domination of labor organizations that Section 8(a)(2) was designed to prevent.''

These four December 18 decisions are all compatible with the strong support for employee cooperation that I articulated in my July 14, 1995 concurring opinion in Keller Brass. Acceptance of this approach makes it clear that the TEAM Act, as presently drafted, is unnecessary.

Nonetheless, as I wrote 3 years ago in Agenda for Reform, a revision of Section 8(a)(2) is desirable. The difficulties involved in determining what constitutes a labor organization, under the Act as written, subjects employees to unnecessary and wasteful litigation and mandates lay people to employ counsel, when they are only attempting to promote dialogue and enhance participation and cooperation.

The law's insistence upon a demarcation line—a line admittedly made less rigid by the common sense approach that we undertook in both Stoody and Vons Grocery—between management concerns like efficiency on the one hand, and employment conditions on the other, simply does not make sense. The line is synthetic and inconsistent with contemporary realities of the workplace where it is impossible to distinguish between the pace of the work or production standards and quality considerations for which all employees can and should have responsibility.

Accordingly, Congress and the President should amend Section 8(a)(2) so as to allow all employee committees and councils and quality work circles to function, addressing any and all subjects outside any cloud of illegality—and to allow employers to devise proposals and assist such mechanisms free from liability so long as employee automony is protected and respected. In connection with such employee groups, the Act's prohibition against assistance should be eliminated altogether. In this way, employee participation and involvement would be promoted, sham unions discouraged, and wasteful, sometimes acrimonious litigation about what constitutes a labor organization eliminated. But this is hardly the answer to what ails Section 8(a)(2) set forth in the TEAM Act.

This was the objective of Congressman Thomas Sawyer's bill which he proposed last fall as a substitute for the TEAM Act. It was designed to encourage productivity and quality teams without opening the door to sham unions—which I believe is a constructive approach.

We must move beyond the ''them and us'' mentality of an adversarial model which exclude cooperation between employees and management. Employees should be able to collaborate with management in establishing such teams, setting the agenda for meetings, determining voting procedures for election of representatives and on debated issues.

Only a month ago, in his State of the Union message, President Bill Clinton said:

When companies and workers work as a team, they do better. And so does America.

The President's road is the road of dialogue, cooperation and settlement processes rather than litigation. That is the road taken by our small and independent administrative Agency through our new ALJ rules, my concurring opinion in Keeler Brass and our December 18 rulings.

HONORING THE TAYLORS CROSSROADS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Taylors Crossroads Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

CHERNOBYL NUCLEAR DISASTER RESOLUTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 24, 1996

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce a resolution which recognizes the 10th anniversary of the Chernobyl nuclear disaster, the worst in recorded history, and supports the closing of the Chernobyl nuclear powerplant. Yesterday, I chaired a Helsinki commission hearing that examined the devastating consequences of the Chernobyl disaster. That hearing, Mr. Speaker, featured the ambassadors of Ukraine and Belarus, the two countries most gravely affected by the disaster. Professor Murray Feshback of Georgetown University and Alexander Kuzma of the Children of Chernobyl Relief Fund also provided sound scientific and medical details about the public health crisis that exists.

A decade ago, in the early morning hours of April 26, 1986, reactor No. 4 at the Chernobyl nuclear powerplant exploded, releasing into the atmosphere massive quantities of radioactive substances. The highest amount of radioactive fallout was registered in the vicinity immediately surrounding Chernobyl, some 60 miles north of Ukraine's capital, Kiev. At that time, the prevailing winds were directed north to northwest, so that Belarus received some 70 percent of the total radioactive fallout. Subsequent shifts of the wind, and rainfall, affected northern Ukraine, southwest Russia and beyond, with excessive levels of radiation recorded in northern Scandinavia, various parts of continental Europe, and even as far away as coastal Alaska. Estimated total radioactivity from the blast was 200 times more radioactivity than was released from the atomic bombs dropped at Hiroshima and Nagasaki combined.

Ten years ago, Mr. Speaker, Chernobyl left its indelible mark on the world's consciousness. Given the monumental consequences of Chernobyl and its devastating toll on the environment and on the health of the surrounding

population, this disaster must neither be forgotten nor repeated. Indeed, Chernobyl can never be forgotten by those most directly affected. The tragedy is ongoing. And with each passing anniversary, we uncover more and more about its devastating impact and serious radiological, health and socioeconomic consequences, especially on the populations of Ukraine, Belarus, and western Russia.

Millions of people—including about 1 million children—in Ukraine, Belarus and western Russian were exposed to dangerously high levels of radiation. Millions continue to live in areas contaminated to one degree or another. Children, in particular, have experienced alarming increases in thyroid cancer and other conditions. These trends have accelerated since the disaster and are expected to increase well into the future. In Belarus Gomel region, for instance, which was one of the hardest hit areas, thyroid cancer among children is at least 200 times that of preaccident. Scientists differ over the extent of Chernobyl-related diseases, but few deny that children have been hardest hit by the radiological aftermath. Given the devastating humanitarian, ecological and economic consequences, the resolution calls upon the President to support continued and enhanced U.S. assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia and other nations most heavily afflicted.

Because this disaster is the only one of its magnitude, there is much about its long-term health consequences we do not yet know. Among the most affected were the so-called ''liquidators'', the hundreds of thousands of people who worked to clean up after the accident. Many received substantial doses of radiation. Estimates vary on how many of them have died or become seriously ill. However, we must learn more about the health of those most affected by the disaster, especially the children who were exposed to substantial doses of radiation. The resolution encourages national and international health organizations to expand the scope of research of the public health consequences of Chernobyl. Such research could help not only those directly affected, but can also ensure that the entire world can benefit from the findings.

By supporting assistance and research efforts, we will be doing our part to help overcome the devastating legacy of Chernobyl. Unfortunately, there are still 15 RBMK, Chernobyl-type reactors still being utilized in the former Soviet Union, most of them in Russia. The international community can help Ukraine and Russia improve the safety of their nuclear reactors, especially since Ukraine relies substantially on nuclear power for its energy needs.

Mr. Speaker, one very important component of this resolution is that it urges Ukraine to continue its negotiations with the G–7 to implement the December 20, 1995 memorandum of understanding which calls for all nuclear reactors at Chernobyl to be shut down in a safe and expeditious manner by the year 2000. The resolution calls upon the President to support the process of closing Chernobyl as envisioned by the MOU.

The signatories to the MOU recognize the tremendous costs involved in closing down Chernobyl and its impact on a country undergoing the unbelievably difficult transition from communism to a market-oriented democracy. Ukraine devotes more of its resources to dealing with the Chernobyl aftermath than for its military. According to testimony from the Belarusian Ambassador, Belarus is compelled to spend year in and year out up to 25 percent of its budget to try to cope with the aftermath of Chernobyl. In response, the G–7 has thus far committed some $3 billion in loans and grants to assist with the closure of Chernobyl. Recognizing the country's dire energy situation, equally important is the G–7's broader cooperation with Ukraine to impose market discipline on its inefficient energy sector and make it more rational. Moreover, the MOU recognizes the implications—for the thousands of workers and their families—of closing the Chernobyl plant.

The Chernobyl nuclear disaster marks a tragic milestone in the history of Ukraine, Belarus, and the world. This week we commemorate the 10th anniversary of this nuclear explosion, one of the most bitter legacies of Soviet communism. The legacy has had tremendous and mounting human costs. Its environmental, medical, social, political and economic consequences continue to have a profound impact on countries in the region, especially on Ukraine and Belarus and western Russia, which bore the brunt of Chernobyl's radioactive fallout.

Mr. Speaker, this resolution which is also being introduced in the Senate is important and timely. I am joined by my colleagues Rep. BEN GILMAN, Rep. FRANK WOLF, Rep. BEN CARDIN, Rep. ED MARKEY, Rep. MATT SALMON, Rep. BOB TORRICELLI, Rep. SANDER LEVIN, Rep. DAVID BONIOR, Rep. RICHARD DURBIN, and Rep. LUIS GUTTIERREZ in introducing this resolution and I urge our colleagues to support the measure.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 25, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 26

10:00 a.m.
Commission on Security and Cooperation in Europe
To hold a briefing on the ethnic Turkish minority of Greece.
2200 Rayburn Building

APRIL 29

3:00 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997.
SR–222

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Emergency Management Agency.
SD–192

Commerce, Science, and Transportation
To hold hearings on the proposed nomination of Michael Kantor, of California, to be Secretary of Commerce.
SR–253

Governmental Affairs
Oversight of Government Management and the District of Columbia Subcommittee
To hold hearings to examine aviation safety, focusing on the training and supervision of Federal Aviation Administration inspectors.
SD–342

10:00 a.m.
Armed Services
Readiness Subcommittee
Business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997.
SR–232A

Foreign Relations
To hold hearings on the nominations of Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Lao People's Democratic Republic, Thomas C. Hubbard, of Tennessee, to be Ambassdor to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador to the Republic of Palau, and Glen Robert Rase, of Florida, to be Ambassador to Brunel Darussalam.
SD–419

Judiciary
To hold hearings to examine affirmative action in Calfifornia.
SD–226

11:00 a.m.
Armed Services
Acquisition and Technology Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997.
SR–222

2:30 p.m.
Armed Services
Airland Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997.
SR–222

Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings On S. 1420, to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean.
SR–253

4:30 p.m.
Armed Services
SeaPower Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997.
SR–232A

6:00 p.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of a proposed National Defense Authorization Act for fiscal year 1997.
SR–222

MAY 1

9:00 a.m.
Armed Services
Closed business meeting, to mark up a proposed National Defense Authorization Act for fiscal year 1997, and to receive a report from the Senate Select Committee on Intelligence on the Intelligence Authorization Act for Fiscal Year 1997.
SR–222

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Reserve and National Guard programs.
SD–192

Rules and Administration
To resume hearings on issues with regard to the Government Printing Office.
SR–301

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs, focusing on the New Independent States.
SD–138

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine airport revenue diversion.
SR–253

MAY 2

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for energy conservation programs.
SD–116

Armed Services
Closed business meeting, to continue to mark up a proposed National Defense Authorization Act for fiscal year 1997.
SR–222

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1401, to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that Act with respect to surface coal mining and reclamation operations, and S. 1194, to amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources.
SD–366

10:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for fossil energy, clean coal energy, the Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Veterans Affairs.
SD–192

MAY 7

10:00 a.m.
Judiciary
To resume hearings on S. 1284, to amend title 17 to adapt the copyright law to the digital, networked environment of the National Information Infrastructure.
SD–106

Joint Library
Business meeting, to consider a report of the General Accounting Office on the Library of Congress.
SR–301

MAY 8

10:00 a.m.
Veterans' Affairs
To hold hearings to examine the reform of health care priorities.
SR–418

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Housing and Urban Development.
SD–192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Internal Revenue Service, Department of the Treasury.
SD–138

MAY 9

9:30 a.m.
Indian Affairs
To hold oversight hearings on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe v. Florida on the Indian Gaming Regulatory Act of 1988.
SD–G50

MAY 15

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Aeronautics and Space Administration.
SD–192

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Corporation for National and Community Service.
SD–192

MAY 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Environmental Protection Agency.
SD–192

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

CANCELLATIONS

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of State.
S–146, Capitol

POSTPONEMENTS

APRIL 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR–253

Daily Digest

HIGHLIGHTS

House Committees ordered reported 15 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S4003–S4093

Measures Introduced: Five bills and four resolutions were introduced, as follows: S. 1697–1701, S. Res. 250, S. Con. Res. 54–56. **Page S4063**

Measures Passed:

Enrollment Correction: Senate agreed to S. Con. Res. 54, to correct the enrollment of S. 735, to prevent and punish acts of terrorism. **Pages S4016–17**

Enrollment Correction: Senate agreed to S. Con. Res. 55, to correct the enrollment of S. 735, to prevent and punish acts of terrorism. **Pages S4016–17**

Further Continuing Appropriations: Senate agreed to H.J. Res. 175, making further continuing appropriations for fiscal year 1996, clearing the measure for the President. **Pages S4047–48**

Higher Education Grant Program: Senate passed H.R. 3055, to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section, clearing the measure for the President.

Page S4092

Illegal Immigration Reform: Senate resumed consideration of S. 1664, to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; and to reduce the use of welfare by aliens, taking action on amendments proposed thereto, as follows: **Pages S4012–16, S4017–47, S4049–59**

Adopted:

Simpson Amendment No. 3726 (to Amendment No. 3725), to establish a pilot program to collect information relating to nonimmigrant foreign students. **Pages S4014–16, S4017**

Simpson Amendment No. 3727 (to Amendment No. 3725), to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship. **Pages S4017–18**

Simpson Amendment No. 3728 (to Amendment No. 3725), to criminalize voting by aliens for candidates for a Federal office, and to make unlawful voting a ground for exclusion and deportation. **Pages S4018–19**

Simpson Amendment No. 3729 (to Amendment No. 3725), to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education. **Pages S4019–20**

By 92 yeas to 6 nays (Vote No. 81), Simpson Modified Amendment No. 3672 (to Amendment No. 3667), in the nature of a substitute. (Subsequently, the amendment fell after having been incorporated into Amendment No. 3667, listed below, which was tabled.) **Pages S4012–16, S4049–55**

Kyl Amendment No. 3735 (to Amendment No. 3725), to require physical and mental examinations for certain aliens seeking entry into the United States. **Pages S4056–58**

Rejected:

By 20 yeas to 79 nays (Vote No. 80), Simpson Amendment No. 3730 (to Amendment No. 3725), to repeal the ban on the search of open-fields by employees of the INS when they have probable cause to believe an illegal act has occurred. **Pages S4020–47**

Dorgan Amendment No. 3667, to express the sense of the Senate that a balanced budget constitutional amendment should protect the Social Security system by excluding the receipts and outlays of the Social Security trust funds from the budget. (By 57 yeas to 42 nays (Vote No. 82), Senate tabled the amendment.) **Pages S4012–16, S4049–55**

Withdrawn:

Kennedy Amendment No. 3734 (to Amendment No. 3725), to provide for an increase in the minimum wage rate. **Page S4056**

Pending:

Simpson Amendment No. 3669, to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education. **Pages S4012–16**

Simpson Amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students. **Pages S4012–16**

Simpson Amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship. **Pages S4012–16**

Simpson Amendment No. 3722 (to Amendment No. 3669), in the nature of a substitute. **Pages S4013–16**

Simpson Amendment No. 3723 (to Amendment No. 3670), in the nature of a substitute. **Pages S4013–16**

Simpson Amendment No. 3724 (to Amendment No. 3671), in the nature of a substitute. **Pages S4014–16**

Simpson motion to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith. **Pages S4014–16**

Simpson Amendment No. 3725 (to instructions of motion to recommit), to prohibit foreign students on F–1 visas from obtaining free public elementary or secondary education. **Pages S4014–16, S4017–47**

Coverdell (for Dole/Coverdell) Amendment No. 3737 (to Amendment No. 3725), to establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed. **Pages S4058–59**

During consideration of this measure today, Senate also took the following action:

A motion was entered to close further debate on Dorgan Amendment No. 3667, listed above and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Friday, April 26, 1996. **Page S4037**

Subsequently, the aforementioned cloture motion become moot upon the tabling of Amendment No. 3667.

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, April 25, 1996. **Page S4092**

Measure Indefinitely Postponed:

Vessel Documentation: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 1298, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel SHOOTER, and the measure was indefinitely postponed. **Page S4092**

Messages From the House: **Page S4062**

Measures Referred: **Page S4062**

Measures Placed on Calendar: **Page S4062**

Measures Read First Time: **Page S4062**

Communications: **Pages S4062–63**

Statements on Introduced Bills: **Pages S4063–72**

Additional Cosponsors: **Pages S4072–73**

Amendments Submitted: **Pages S4075–80**

Notices of Hearings: **Page S4080**

Authority for Committees: **Pages S4080–81**

Additional Statements: **Pages S4081–92**

Record Votes: Three record votes were taken today. (Total–82) **Pages S4047, S4055**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:05 p.m., until 8:30 a.m., on Thursday, April 25, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4092.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Army programs, receiving testimony from Togo D. West, Jr., Secretary of the Army; and Gen. Dennis J. Reimer, Chief of Army Staff.

Subcommittee will meet again on Wednesday, May 1.

APPROPRIATIONS—FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior held hearings on proposed budget estimates for fiscal year 1997 for the Forest Service, receiving testimony from Jack Ward Thomas, Chief, Forest Service, Department of Agriculture.

Subcommittee will meet again on Thursday, May 2.

DISTANCE LEARNING

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings 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, focusing on the effectiveness and value of distance learning (delivery of instruction via cable, fiber optic, microwave, or satellite connection) and how major technological and

educational trends are impacting on distance learning, after receiving testimony from Linda G. Roberts, Director, Office of Educational Technology, Department of Education; Kimberly K. Obbink, Montana State University, Bozeman; Janet K. Lewis, University of South Dakota, Vermillion; Henry R. Marockie, West Virginia Department of Education, Charleston; Jessica Lambert, Mount View High School, McDowell County, West Virginia; Patrick S. Portway, San Ramon, California, and Glenn Kessler, Fairfax County, Virginia, both on behalf of the United States Distance Learning Association; Kenneth C. Elliott, University of Maine, Augusta; David Jupin, COMSAT RSI, Clarksburg, Maryland; Shelly Weinstein, National Education Telecommunications Organization and EDSAT, and Pat Wright, ETC with TCI, both of Washington, D.C.; and Carl E. Swearingen, Georgia BellSouth Telecommunications, Atlanta.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 1605, to amend and extend to September 30, 2001 certain authorities of the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve, with an amendment in the nature of a substitute; and

S. 1025, to provide for the exchange of certain federally owned lands and mineral interests therein, with an amendment in the nature of a substitute.

Also, committee began consideration of S. 391, to protect and restore the health of Federal forest lands, but did not complete action thereon, and recessed subject to call.

AUTHORIZATION—SUPERFUND

Committee on Environment and Public Works: Committee concluded hearings on S. 1285, to authorize funds for fiscal years 1996 through 2000 for programs of the Comprehensive Environmental Recovery, Compensation, and Liability Act of 1980 (Superfund), after receiving testimony from Washington State Attorney General Christine O. Gregoire, Olympia, on behalf of the National Association of Attorneys General; Robert Varney, New Hampshire Department of Environmental Services, Concord, on behalf of the National Governors' Association; James C. Colman, Massachusetts Bureau of Waste Site Cleanup, Boston, on behalf of the Association of State and Territorial Solid Waste Management Officials; Michael J. Farrow, Confederated Tribes of the Umatilla Indian Reservation, Pendelton, Oregon; Robert L. Stickels, Sussex County, Delaware, on behalf of the National Association of Counties; Andrew H. Card, Jr., American Automobile Manufacturers Association, and Robert E. Vagley, American Insurance Association, both of Washington, D.C.; Marion Trieste, Saratoga Springs Hazardous Waste Coalition, Inc., Saratoga Springs, New York, on behalf of the Sierra Club; Barbara Williams, Sunnyray Restaurant, Gettysburg, Pennsylvania, on behalf of the National Federation of Independent Business; Richard B. Stewart, New York University School of Law, on behalf of the Coalition for Natural Resource Damages Reform, and Sarah Chasis, Natural Resources Defense Council, both of New York, New York; Michael A. Szomjassy, OHM Corporation, Findlay, Ohio; and Velma M. Smith, Friends of the Earth, Seattle, Washington.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of Princeton Nathan Lyman, of Maryland, to be Assistant Secretary of State for International Organization Affairs, after the nominee, who was introduced by Senator Kassebaum, testified and answered questions in his own behalf.

U.S. BANKRUPTCY SYSTEM

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings to examine the request of the Judicial Conference of the United States for 11 additional bankruptcy judgeships and the efficiency of the United States Trustee program, established to protect and preserve the integrity of the bankruptcy system, after receiving testimony from Joseph Patchan, Director, Executive Office for United States Trustees, Department of Justice; Chief Judge Paul A. Magnuson, United States District Court for the District of Minnesota, and Chairman, Judicial Conference Committee on the Administration of the Bankruptcy System, Judicial Conference of the United States; Judge William E. Anderson, Lynchburg, Virginia, on behalf of the National Conference of Bankruptcy Judges; Roger L. Efremsky, Efremsky & Nagel, Pleasonton, California; Henry E. Hildebrand, III, Nashville, Tennessee, on behalf of the National Association of Chapter Thirteen Trustees; Laurence P. Morin, Lynchburg, Virginia, on behalf of the Association of Bankruptcy Professionals, Inc.; and Robin E. Phelan, American Bankruptcy Institute, Dallas, Texas.

VA BUDGET

Committee on Veterans' Affairs: Committee concluded hearings on the President's proposed budget request for fiscal year 1997 for the Department of Veterans Affairs, after receiving testimony from Jesse Brown, Secretary of Veterans Affairs, Hershel Gober, Deputy Secretary, Kenneth W. Kizer, Under Secretary for Health, R. John Vogel, Under Secretary for Benefits,

Jerry W. Bowen, Director, National Cemetery Service, D. Mark Catlett, Assistant Secretary for Management, and Mary Lou Keener, General Counsel, all of the Department of Veterans Affairs.

Committee recessed subject to call.

AUTHORIZATION—INTELLIGENCE/ROLE OF U.S. INTELLIGENCE

Select Committee on Intelligence: Committee began markup of proposed legislation authorizing funds for fiscal year 1997 for the intelligence community, but did not complete action thereon, and recessed subject to call.

Also, committee resumed hearings on the roles and capabilities of the United States intelligence community, receiving testimony on intelligence community reforms from John M. Deutch, Director of Central Intelligence.

Hearings were recessed subject to call.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine certain issues relative to the Whitewater Development Corporation, receiving testimony from Wooten Epes, on behalf of the Arkansas Housing Development Finance Authority, Helen Herr, and Paul Mallard, both on behalf of the Arkansas State Building Services, Patricia Heritage Hayes and Charles Peacock, both on behalf of the Madison Guaranty Savings and Loan, Greg Hopkins, Hopkins Law Firm, and Lance Miller, Mitchell, Williams, Selig, Gates & Woodyard, all of Little Rock, Arkansas.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 3305–3319; and 3 resolutions, H.J. Res. 176, H. Con. Res. 167, and H. Res. 413, were introduced. **Pages H3819–20**

Reports Filed: Reports were filed as follows:

H. Res. 412, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 104–535); and

H.R. 2967, to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, amended (H. Rept. 104–536). **Page H3819**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Radonovitch to act as Speaker pro tempore for today. **Page H3733**

Committees to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the five-minute rule: Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, Transportation and Infrastructure, and Veterans' Affairs. **Page H3738**

Continuing Appropriations: By a yea-and-nay vote of 400 yeas to 14 nays, Roll No. 129, the House passed H.J. Res. 175, making further continuing appropriations for the fiscal year 1996. **Pages H3745–46**

The Clerk was authorized to make a technical change in the engrossment of the joint resolution. **Page H3746**

H. Res. 411, the rule under which the joint resolution was considered, was agreed to earlier by a voice vote. **Pages H3738–44**

Anti-Terrorism: House agreed to S. Con. Res. 55, correcting the enrollment of S. 735, to prevent and punish acts of terrorism. **Pages H3744–45**

Paperwork Reduction: By a yea-and-nay vote of 418 yeas, Roll No. 130, the House passed H.R. 2715, to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies. **Pages H3749–54**

Agreed to the committee amendment in the nature of a substitute, made in order by the rule. **Page H3754**

H. Res. 409, the rule under which the bill was considered, was agreed to earlier by a voice vote. **Pages H3746–49**

Recess: House recessed at 1:47 p.m. and reconvened at 2:30 p.m. **Page H3757**

National Wildlife Refuge Management: By a yea-and-nay vote of 287 yeas to 138 nays, Roll No. 131, the House passed H.R. 1675, to amend the National Wildlife Refuge System Administration Act of 1966

to improve the management of the National Wildlife Refuge System. **Pages H3757–76**

Agreed to the amendment in the nature of a substitute made in order by the rule. **Page H3775**

Agreed To:

The Nadler amendment, as amended by the Boehlert perfecting amendment, as modified, that clarifies that nothing in the provisions should be construed as requiring or prohibiting fishing or hunting on any refuge except in cases where the Interior Department makes a determination to do so in accordance with provisions; provides that no funds may be expended from the Land and Water Conservation Fund for the creation of a new refuge having a total area greater than 500 acres, or the expansion of a new refuge of any acreage that would result in the new refuge having an acreage of more than 500 acres within the National Wildlife Refuge System, without specific authorization of Congress in response to a recommendation from the United States Fish and Wildlife Services that such a refuge should be created or expanded; and requires that new uses of Coordination Areas (Federal wildlife management areas administered by States) must be compatible with the major purposes of the areas; **Pages H3765–72**

The Boehlert en bloc amendment that includes provisions that a new use of a Coordinated Area first made available to a State after the date of enactment of the National Wildlife Refuge Preservation Act may not be initiated or permitted unless the Secretary determines that the use is a compatible use; and **Pages H3766–72**

The Lincoln amendment that sought to require the Secretary of the Interior to accept the State donation of State employees' services to perform wildlife-dependent recreation management functions in refuges during a Federal Government budgetary shutdown, which services could only be provided for functions that would otherwise be performed by Department of Interior personnel. **Pages H3772–73**

The Clerk was authorized to make such technical and conforming changes as may be necessary in the engrossment of the bill. **Page H3776**

H. Res. 410, the rule under which the bill was considered, was agreed to earlier by a voice vote.

Pages H3754–57

Senate Messages: Messages received from the Senate today appear on pages H3733 and H3776.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H3746, H3754, and H3775–76. There were no quorum calls.

Adjournment: Met at 11 a.m. and adjourned at 10:09 p.m.

Committee Meetings

FOREIGN MEAT AND POULTRY INSPECTION

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing on meat and poultry inspection in foreign countries; comparison to Federal and State inspection; and requirements of trade agreements. Testimony was heard from Tom Billy, Administrator, Food Safety and Inspection Service, USDA; and public witnesses.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and the Judiciary held a hearing on the Office of Justice Programs and the Office of Juvenile Justice and Delinquency Prevention. Testimony was heard from the following officials of the Department of Justice: Laurie Robinson, Assistant Attorney General, Office of Justice Programs; and Shey Bilchik, Administrative Officer, Office of Juvenile Justice and Delinquency Prevention.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on AID Administrator. Testimony was heard from J. Brian Atwood, Administrator, AID, U.S. International Development Cooperation Agency.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Secretary of Interior and on Bureau of Land Management. Testimony was heard from the following officials of the Department of the Interior: Bruce Babbitt, Secretary; and Michael Dombeck, Acting Administrator, Bureau of Land Management.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, on National Cancer Institute and Fogarty International Center, National Institute of Environmental Health Sciences, the National Center for Research Resources, and the National Library of Medicine. Testimony was heard from Richard D. Klausner, M.D., Director, National Cancer Institute; Philip E. Schambra, M.D., Director, Fogarty International Center; Kenneth Olden, M.D., Director, National Institute of Environmental Health Sciences; Judith L.

Vaitukaitis, M.D., Director, National Center for Research Resources; and Donald A. Lindberg, M.D., Director, National Library of Medicine.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security held a hearing on Defense Medical Programs and Readiness. Testimony was heard from the following officials of the Department of Defense: Stephen C. Joseph, Assistant Secretary, Health Affairs; Maj. Gen. John J. Cuddy, USA, Deputy Surgeon General, Army; VAdm. Harold M. Koenig, USN, Surgeon General, Navy; Lt. Gen. Edgar R. Anderson, USAF, Surgeon General, Air Force; Gen. Ronald H. Griffith, USA, Vice Chief of Staff, Army; Gen. Thomas S. Moorman, Jr., USAF, Vice Chief of Staff, Air Force; Adm. Jay L. Johnson, USN, Vice Chief, Naval Operations; and Gen. Richard Hearney, USMC, Assistant Commandant, Marine Corps.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on OMB. Testimony was heard from Alice M. Rivlin, Director, OMB.

VETERANS' AFFAIRS-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development held a hearing on the Council on Environmental Quality, the Selective Service System and the Federal Emergency Management Agency. Testimony was heard from Kathleen A. McGinty, Chair, Council on Environmental Quality; Gil Coronado, Director, Selective Service System; and James Lee Witt, Director, FEMA.

ATM SURCHARGES

Committee on Banking and Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on ATM Surcharges. Testimony was heard from Representatives Schumer, Waters, Sanders, Fields of Louisiana and Hinchey; and public witnesses.

Hearings continue tomorrow.

DEPARTMENT OF ENERGY—TRAVEL EXPENDITURES

Committee on Commerce: Subcommittee on Oversight and Investigations continued hearings on the Department of Energy: Travel Expenditures and Related Issues. Testimony was heard from the following officials of the GAO: JayEtta Z. Hecker, Associate Director, International Relations and Trade Issues; Stephen M. Lord, Senior Evaluator, International Relations and Trade, National Security and Internal Affairs Division; and Ernie E. Jackson, Senior Attorney, Office of General Counsel; and the following officials of the Department of Energy: Dirk Forrister, Assistant Secretary, Congressional, Public, and Intergovernmental Affairs; Steven Lee, Economist, Office on Energy Exports and Eric J. Fygi, Deputy General Counsel.

MISCELLANEOUS MEASURES

Committee on Economic and Educational Opportunities: Subcommittee on Early Childhood, Youth and Families approved for full Committee action the following bills: H.R. 3268, IDEA Improvement Act of 1996; and H.R. 3269, Impact Aid Technical Amendments Act of 1996.

MISCELLANEOUS MEASURES

Committee on Government Reform and Oversight: Ordered reported the following bills: H.R. 2700, amended, 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, amended, Local Empowerment and Flexibility Act of 1996.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 3235, Office of Government Ethics Authorization Act of 1996; H.R. 2137, amended, Megan's Law; H.R. 2453, amended, Fugitive Detention Act of 1995; H.R. 2641, amended, United States Marshals Service Improvement Act of 1995; H.R. 2650, amended, Mandatory Federal Prison Drug Treatment Act of 1995; H.R. 2803, Anti-Car Theft Improvement Act of 1995; H.R. 2974, amended, Crimes Against Children and Elderly Persons Punishment and Prevention Act of 1995; H.R. 2908, amended, Interstate Stalking Punishment and Prevention Act of 1996; H.R. 3120, amended, to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering; and H.R. 2297, amended, to codify without substantive change laws related to transportation and to improve the Untied States Code.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Installations and Facilities approved for full Committee action H.R. 3230, National Defense Authorization Act for Fiscal Year 1997.

MARITIME ADMINISTRATION AND PANAMA CANAL COMMISSION AUTHORIZATIONS

Committee on National Security: Special Oversight Panel on the Merchant Marine approved for full Committee action recommendations regarding the following bills: H.R. 3281, Maritime Administration Authorization Act for Fiscal Year 1997; and H.R. 3282, Panama Canal Commission Authorization Act, Fiscal Year 1997.

DEFENSE AUTHORIZATION

Committee on National Security: Special Oversight Panel on Morale, Welfare and Recreation approved for full Committee action recommendations regarding H.R. 3230, National Defense Authorization Act for Fiscal Year 1997.

OVERSIGHT—DEPARTMENT OF INTERIOR

Committee on Resources: Held an oversight hearing on the Department of Interior activities, programs, and fiscal year 1997 budget. Testimony was heard from Bruce Babbitt, Secretary of the Interior.

PROVIDING EXPEDITED PROCEDURES

Committee on Rules: Ordered reported, by voice vote, a resolution waiving clause 4(b) of rule XI (requiring a ⅔ vote to consider a rule on the same day it is reported from the Committee on Rules) against certain resolutions reported by the Committee on Rules before April 27, 1996. The waiver applies to special rules providing for consideration or disposition of any measures, amendments thereto, conference reports thereon, or amendments reported in disagreement from a conference that: (1) make general appropriations for the fiscal year 1996; or (2) include provisions making further continuing appropriations for fiscal year 1996.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported the following: H.R. 3060, Antarctic Environmental Protection Act of 1996; and, as amended the Omnibus Civilian Science Authorization Act of 1996.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

FEDERAL BUILDING SECURITY

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development held a hearing on Federal Building Security. Testimony was heard from David Barram, Acting Administrator, GSA; the following officials of the Department of Justice; Eugene Coon, Jr., Associate Director, Operations, U.S. Marshals Service; William O'Hanlon, Section Chief, Facilities, Management, and Security Section and Robert Opfer, Section Chief, Security Counter Measures Section, both with the FBI; and Bruce Bowen, Deputy Assistant Director, Office of Investigations, U.S. Secret Service, Department of the Treasury.

COMMUNITY CARE CLINICS

Committee on Veterans' Affairs: Subcommittee on Hospitals and Health Care held an oversight hearing concerning the effectiveness of community care clinics. Testimony was heard from the following officials with the Health Care Delivery and Quality Issues, Health, Education, and Human Services Division, GAO; David P. Baine, Director; and Paul Reynolds, Assistant Director; and the following officials of the Department of Veterans Affairs: Kenneth Kizer, M.D., Under Secretary, Health, Veterans Health Administration; Jule D. Moravec, Chief Network Officer; Denis J. Fitgerald, M.D., Director, Veterans Integrated Service Network #1; Sanford M. Garfunkel, Director, VA Medical Center, Washington, D.C., and Y.C. Parris, Director, VA Medical Center, Amarillo, Texas.

REPLACING THE FEDERAL INCOME TAX—IMPACT ON SMALL BUSINESS

Committee on Ways and Means: Held a hearing on the impact on small business of replacing the Federal Income Tax. Testimony was heard from Representatives Sam Johnson of Texas and Meyers of Kansas; public witnesses.

Joint Meetings

OMNIBUS APPROPRIATIONS

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 3019, making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 25, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1997 for rural development programs, 10 a.m., SD–138.

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 Commerce, Science, and Transportation, to hold hearings on domestic air service in the wake of airline deregulation, focusing on challenges faced by small communities, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, 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 Foreign Relations, business meeting, to consider pending calendar business, 2 p.m., SD–419.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

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.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine issues relating to the Whitewater Development Corporation, 10 a.m., SH–216.

NOTICE

For a Listing of Senate Committee Meetings scheduled ahead, see pages E620–21 in today's Record.

House

Committee on Appropriations, 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., on Commerce Department Inspector General and on Commerce Department Under Secretary for Technology; National Institute of Standards and Technology; and Patent and Trademark Office, 3 p.m., H–310 Capitol.

Subcommittee on Foreign Operations, Export Financing and Related Agencies, on congressional and public witnesses, 10 a.m., H–144 Capitol.

Subcommittee on Interior, on Secretary of Energy, 10 a.m., and on Forest Service, 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on National Institute of Child Health and Human Development, the National Institute of General Medical Sciences, 10 a.m., and on Buildings and Facilities, and Office of the Director, 2 p.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on Bureau of Alcohol, Tobacco, and Firearms Operations, 10 a.m., 2360 Rayburn.

Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, on NASA, 9:30 a.m., H–143 Capitol.

Committee on Banking and Financial Services, Subcommittee on Domestic and International Monetary Policy, hearing on the Administration's authorization requests for International Financial Institutions, 1 p.m., 2222 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, to continue hearings on ATM Surcharges, 10 a.m., 2128 Rayburn.

Committee on Economic and Educational Opportunities, 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, Subcommittee on Government Management, Information, and Technology, hearing on Financial Management and Accounting Reform, 9:30 a.m., 311 Cannon.

Committee on International Relations, hearing on the Administration's Foreign Assistance Budget Request for Fiscal Year 1997, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up H.R. 2740, Fan Freedom and Community Protection Act of 1995, 9:30 a.m., 2141 Rayburn.

Subcommittee on Crime, hearing on H.R. 1202, Captive Exotic Animal Protection Act of 1995, 1 p.m., 2237 Rayburn.

Committee on National Security, Subcommittee on Military Personnel, to mark up H.R. 3230, National Defense Authorization Act for Fiscal Year 1997, 2 p.m., 2212 Rayburn.

Subcommittee on Military Readiness, to mark up H.R. 3230, National Defense Authorization Act for Fiscal Year 1997, 10 a.m., 2118 Rayburn.

Committee on Resources, to mark up the following: H.R. 3275, to amend the Indian Child Welfare Act to exempt from coverage of the act child custody proceedings involving a child whose parents do not maintain significant social, cultural, or political affiliation with the tribe of which the parents are members; omnibus adoption measure; H.R. 2982, Carbon Hill National Fish Hatchery Conveyance Act; H.R. 2464, to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation; H.R. 2560, to provide for conveyances of certain lands in Alaska to Chickaloon-Moose Creek Native Association, Inc., Ninilchik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corp., and Knikatnu, Inc. under the Alaska Native Claims Settlement Act; S. 1459, Public Rangelands Management Act of 1996; and a measure to establish guidelines for the designation of National Heritage Areas; and to consider a motion to authorize the issuance of a subpoena to compel the appearance of a witness, 11 a.m., 1324 Longworth.

Committee on Small Business, 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 Standards of Official Conduct, executive, to consider pending business, 2 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, 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.

Subcommittee on Surface Transportation, hearing to review unauthorized Transit Projects and Legislative requests for fiscal year 1997, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on Tax Debt Collection Issues, 9:30 a.m., 1100 Longworth.

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, 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: 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.

Next Meeting of the SENATE

8:30 a.m., Thursday, April 25

Senate Chamber

Program for Thursday: After the recognition of five Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will resume consideration of S. 1664, Immigration Reform.

Senate may also consider H.R. 3019, Omnibus Appropriations, 1996 Conference Report.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 25

House Chamber

Program for Thursday: Consideration of the conference report to accompany H.R. 3019, Fiscal Year 1996 Omnibus Appropriations (rule waiving clause 4(b) of rule XI for the same day consideration).

Extensions of Remarks, as inserted in this issue

HOUSE

Bachus, Spencer, Ala., E607
Baker, Bill, Calif., E612
Bereuter, Doug, Nebr., E614
Bonior, David E., Mich., E611
Burton, Dan, Ind., E608
Crane, Philip M., Ill., E611
Gilchrest, Wayne T., Md., E609
Gordon, Bart, Tenn., E618
Hoyer, Steny H., Md., E614
Kennedy, Patrick J., R.I., E613
Kennelly, Barbara B., Conn., E607
Lantos, Tom, Calif., E609
Lipinski, William O., Ill., E608, E610, E613
Miller, George, Calif., E610
Nethercutt, George R., Jr., Wash., E609
Pallone, Frank, Jr., N.J., E610
Porter, John Edward, Ill., E613
Romero-Barceló, Carlos A., Puerto Rico, E612
Ros-Lehtinen, Ileana, Fla., E611
Sawyer, Thomas C., Ohio, E616
Schumer, Charles E., N.Y., E608
Smith, Christopher H., N.J., E618
Stump, Bob, Ariz., E615
Taylor, Charles H., N.C., E614
Tejeda, Frank, Tex., E616
Torres, Esteban Edward, Calif., E607
Underwood, Robert A., Guam, E608
Wicker, Roger F., Miss., E616
Wolf, Frank R., Va., E609

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262; or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.